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ABSTRACT

This collection of materials represents testimony given before the United States Commission on Civil Rights in Washington, D.C., on January 30-31, 1978, dealing with the problems of battered women. The statements, made by psychologists, sociologists, state and federal officials, legal and community services directors, police officials, and social workers, address the following areas of concern: (1) government intervention practices and policies, (2) police practices and policies, (3) statutory reform, (4) court diversion, (5) support services, (6) long-term needs of battered wives, and (7) causes and treatment of wife abuse. The appendices contain resources on and for battered wives, state and federal legislative statutes and unsolicited papers. (Author/HLM)

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Battered Women: Issues of Public Policy

U.S. DEPARTMENT OF HEALTH,
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A CONSULTATION SPONSORED BY THE UNITED
STATES COMMISSION ON CIVIL RIGHTS,
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The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to the denial of equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, sex, or national origin; and
- Submit reports, findings, and recommendations to the President and the Congress.

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Introduction

Background

The results of a National Institute of Mental Health-funded study of more than 2,000 couples show that, in any one year, about 1.8 million wives are beaten by husbands.[1] These are not isolated incidents; half of all battered wives are assaulted two or more times a year. The practice of battering women extends across all class lines—from the urban ghetto flat to the wealthiest suburban residence, and sometimes results in the death of a spouse. The FBI Uniform Crime Reports show that 25 percent or 4,660 of all U.S. murders in 1975 were intrafamilial, and that over half of these were spouse killings.[2] This violent phenomenon is not limited, however, to married couples—girlfriends are beaten by boyfriends as well.

Although the most often asked question is, "Why does the wife stay with an abusive husband?" a question perhaps more to the root of the problem is, "Why does the husband beat his wife?" Most research on the causes of such violence concentrates on external influences on the husband's behavior, for example, job stress, money problems, and use of alcohol. Many feel, however, that these are rationalizations which serve to excuse the husband's behavior, and that the focus should be on the wider cultural and societal influences which produce batterers. Such advocates note that prevalent cultural norms legitimize the use of physical force by a husband against his wife; studies have shown that Americans find acceptable within marriage levels of physical violence that would not be tolerated in other relationships.

Traditional sex roles are also seen as contributing to the problem by creating a male role as "head of the household," with the attendant right to discipline his wife, and by socializing young girls to passivity and subservience to men, and to limited educational and employment goals, which increases their dependence on marriages, even violent ones. Thus, battered women are limited often in their ability to flee their homes by financial dependence, the presence of children, the lack of housing and protective services, and the threat of being pursued by their husbands.

Many battered women report that, when they turn to the authorities for help, frequently it is to no avail. With many domestic assaults, police officers consider arrest too drastic a solution, and their response ranges from admonishing the violent husbands to "cool off" or assisting the wife to leave (implicitly recognizing the assaultive husband's ownership of the dwelling) to attempting to reconcile the partners—all actions displaying an unwillingness to recognize the battered women as the victim of a crime and a failure to protect her accordingly.

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[1] Murray Straus, "Wife Beating: Causes, Treatment and Research Needs," Consultation report (January 1978).

[2] U.S., Department of Justice, Federal Bureau of Investigation, Crime in the United States, Uniform Crime Report (1975), pp. 18–19.

The actions of police are in part limited by the shortcomings of the entire criminal justice system. The local court may not grant restraining orders, and the police may not be able to keep the violent husband in custody. While police often claim that the battered wife is likely to drop charges against her husband once he has "cooled off," women often report that prosecutors are unwilling to take their cases to court. Police also maintain that domestic disputes are among the most dangerous situations in which officers intervene, resulting in a high proportion of police line-of-duty deaths.

Long standing disagreement exists over whether intrafamily violence is a civil or a criminal matter. In many States, civil injunctions or restraining orders to protect a woman are available only after she files for divorce. Most courts are not in session at night or on weekends. In many States only the family court has jurisdiction over domestic violence, a setting that is seen as providing a basis for reconciliation, not for punishing or detering the batterer.

In response to the needs of domestic violence victims, women have developed the support systems currently available. Feminists at the grassroots level have established emergency safe houses for battered women and their children, serving the foremost requirement of immediate shelter. Most victims also need financial support, and most shelters offer trained staff to help victims receive welfare payments, employment training, legal assistance, and other benefits. Equally important are the counseling and emotional support given shelter residents. Although few relative to the need and without the necessary financial resources, such shelters and help groups are growing.

The Consultation: Purpose

The Commission's jurisdictional basis to study the problems of battered women stems from its statutory mandate to study and collect information regarding the denial of the equal protection of the laws on the basis of sex and, in particular, in the administration of justice. Women who complain of abuse often are treated cavalierly by the police, the courts, and other elements of the criminal justice system. Little effort has been made in most jurisdictions to provide the necessary specialized facilities to serve victims of domestic violence.

In response to these issues, the Commission held its consultation, "Battered Women: Issues of Public Policy," on January 30–31, 1978, in Washington, D.C. The objectives of that consultation were: to identify sound, existing research data, as well as research gaps, and consequently, to consider research strategies; to identify necessary State legal and law enforcement reform; to identify needed short- and long-term support services for battered women; to identify, in all of the above, the appropriate Federal role; to facilitate communication among researchers, activitists, policymakers, and others; and to inform the public.

Substantial issues of public policy arise in considering the development of programs to aid the battered woman and to eliminate domestic violence. They include: the appropriate research to be undertaken or supported by government; the substantive revision of State civil and criminal statutes which concern domestic violence; the institution of effective police training programs; improvement in the procedures employed by police, prosecutors, and the courts for handling domestic violence cases; the appropriate form and level of support for shelters and other organizations that serve domestic violence victims; and to ensure that programs which provide housing, social services, health services, income maintenance, and legal assistance meet the needs of individual victims. Thus, the consultation was intended both to define the problems and to address potential solutions, including the need for Federal legislation.

The Consultation: Format

The consultation format provides for the presentation of invited papers to the Commissioners, prepared responses by each member of a panel of experts, and questioning of the presenter and the panel by the Commissioners. The consultation topics were broadly defined to include law enforcement and justice, support services, causes and treatment of wife abuse, and the Federal role. Paper titles and program participants are specified in the agenda which is included as part of this report, along with a full transcript of the proceedings and the full text of each invited paper.

The Commission sought to include among the participants recognized experts in the field from a variety of disiplines, including attorneys, academicians, and shelter staff, and to provide, to the greatest degree possible, diversity in racial, ethnic and geographic representation. Since it was not possible to include as participants all whose expertise or interest warranted inclusion, an appendix has been inserted in this report which will provide a strong starting point for further exploration of this issue.

The consultation format does not provide an opportunity for direct participation by attendees, who are limited to observing the proceedings. Nonetheless, more than 600 persons attended this consultation, many traveling long distances. As a result, observers who met during the consultation formed the National Coalition Against Domestic Violence.

The Consultation: Staff

Preparations for the substantive content of the consultation were under the direction of Carol A. Bonosaro, Director, Women's Rights Program Unit, Office of the Staff Director, with the assistance of Gloria Lopez. Support services were provided by Evelyn Avant and Renee Butler.

Administration and management of the consultation were provided by the Special Projects Division, Office of National Civil Rights Issues, Fredrick B. Routh, Director, and Franciene Baker-Pinkston, Alfonso Garcia, Betty Stradford, and Herbert Wheeless.

Staff members on loan from other offices, assisting at the consultation, were: Almeda Bush, Patricia Ellis, and Maria Valencia, Office of National Civil Rights Issues; Frank Matthews and Randy Hughes, Office of Management; Joann Harris, Alma Missouri, Ruth Peete, and Barbara Young, Office of the Staff Director.

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CONTENTS

Overview

Scope of the Problem

Presentation of Del Martin, Author 3

Law Enforcement and Justice

Wife Beating: Government Intervention Policies and Practices

Presentation of Marjory Fields, Brooklyn Legal Services 20
Response of James Bannon, Executive Deputy Chief of Police, Detroit, Michigan 27
Response of Georgene Noffsinger, Advisory Council, Abused Persons Shelter 28
Response of Juanita Kidd Stout, Court of Common Pleas, Philadelphia, Pennsylvania 30
Discussion 33

The Police and Family Violence: Practice and Policy

Presentation of Morton Bard, Professor of Psychology, and Director, Center for Social Research, Graduate School, City University of New York 49

Statutory Reform: The Answer to a Battered Woman's Prayer?

Presentation of Golden Johnson, Nutley, New Jersey 54

Court Diversion: An Alternative to Spousal Abuse Cases

Presentation of Anna Laszlo, Suffolk County District Attorney's Office, Boston, Massachusetts 62
Response of Yolanda Bako, Center for the Elimination of Violence in the Family, Brooklyn, New York 66
Response of Deborah Harris, Community Legal Services, Philadelphia, Pennsylvania 73
Response of Darrel W. Stephens, Assistant Chief of Police, Lawrence, Kansas 75
Response of Charles Schudson, Assistant District Attorney, Milwaukee, Wisconsin 78
Discussion 81

Support Services

Shelters: Short Term Needs

Presentation of Marta Segovia-Ashley, Founder, La Casa de las Madres, by Shelly Fernandez 98
Response of Monica Erler, Women's Advocates, St. Paul, Minnesota 108
Response of Anne Flitcraft, M.D., New Haven, Connecticut 113
Response of Faith Spotted Eagle by Matilda Black Bear 115
Discussion 117

Long Term Needs

Presentation of Lisa Richette, Court of Common Pleas, Philadelphia, Pennsylvania 128
Response of Bok-Lim Kim, Professor, School of Social Work, University of Illinois, Urbana 133
Response of Lisa Leghorn, Transition House, Cambridge, Massachusetts 138
Discussion 142

Causes and Treatment of Wife Abuse

Wife Beating: Causes, Treatment, and Research Needs

Presentation of Murray Straus, Professor of Sociology, University of New Hampshire 152
Response of Elaine Hilberman, Assistant Professor of Psychiatry, University of North Carolina 157
Response of Leonore Walker, Associate Professor, and Chairperson, Department of Psychology, Colorado's Women's College 160
Discussion 163

Federal Agency Panel

Presentation of Connie Downey, Department of Health, Education, and Welfare 171
Presentation of Betty Kaufman, Department of Housing and Urban Development 174
Presentation of Jeannie Niedermeyer, Department of Justice 176
Presentation of Mary Hilton, Department of Labor 178
Presentation of Leah Wortham, Legal Services Corporation 181
Discussion 183

Congressional Panel

Presentation of Mimi Griffith for Representative Lindy Boggs 197
Presentation of Joanne Howes for Representative Barbara Mikulski 197
Presentation of Roberta Avencena for Representative Newton Steers, Jr. 200
Discussion 200

Prepared Presentations and Responses

Scope of the Problem by Del Martin 205
Wife Beating: Government Intervention Policies and Practices by Marjory Fields 228
Response of Juanita Kidd Stout 288
The Police and Family Violence: Practice and Policy by Morton Bard and Harriet Connolly 304
Court Diversion: An Alternative for Spousal Abuse Cases by Anna Laszlo and Thomas McKean 327
Response of Yolanda Bako 357

Response of Charles Benjamin Schudson
The Criminal Justice System as Family: Trying the Impossible for Battered Women 365
Shelters: Short Term Needs by Marta Segovia-Ashley 371
Response of Monica Erler 400
Support Services: Long Term Needs for Battered Women–Underpinnings to Decay or Foundations for New Structures by Lisa Richette 409
Response of Bok-Lim Kim 440
Response of Lisa Leghorn 444
Grassroots Services for Battered Women: A Model for Long Term Change 444
Wife Beating: Causes, Treatment, and Research Needs by Murray Straus 463
Response of Elaine Hilberman 527
Statement of Newton I. Steers, Jr. 532

Appendices

A. Resources for and on Battered Women 535
B. State Statutes 627
C. Federal Documents Requested and Responses to Questions 636
D. Federal Legislation 661
E. Unsolicited Papers 704
F. Charles Schudson Letter to Chairman Arthur S. Flemming 706

BATTERED WOMEN: ISSUES OF PUBLIC POLICY

A Consultation Sponsored by the United States
Commission on Civil Rights, Washington, D.C.,
January 30–31, 1978.

Proceedings

CHAIRMAN FLEMMING. I will ask the consultation to come to order please. As most persons present here know, the Commission has called this consultation to deal with the questions of battered women and to take a look at the issues of public policy that are involved in this matter.

When the Commission holds a public consultation of this nature, it invites persons to prepare papers for our consideration, then it invites other persons to serve as members of a panel in order to respond to the papers. After members of the panel have had the opportunity of responding to the papers, members of the Commission in all probability will have questions that they will desire to address to those presenting papers and also to the members of the panel.

Our objective in a consultation of this kind is to identify the issues and to identify possible solutions to those issues. Then after we have had the opportunity of considering the issues to make public, not only the papers that have been prepared, the discussion on the part of the members of the panel, and the questions addressed to the panelists and those who have prepared papers for the Commission and their responses, but also to state some of our conclusions relevant to those issues.

There has been a great deal of interest shown in this consultation. A good many persons have contacted members of our staff, indicating that they feel that they are in a position also to make contributions to a consideration of these issues. As they know, they have been invited to submit anything that they have in writing to the staff. Those submissions will be considered with the possibility of some of them at least being included in the records of the consultation.

Those of you who have looked at the agenda notice that it is a tight agenda. Those who are participating know what the time restrictions are and we will do everything that we can to stay within those time restriction in order to be fair to all who have been invited to participate in the consultation.

Members of the Commission feel that this is a very important area in the field of civil rights for us to explore. We are deeply appreciative of the willingness on the part of those who were invited to present papers to be here for the purpose of presenting them to us. We are also deeply appreciative of the willingness of members of the panel to be here and to react to the papers. We hope that together we will be able, not only to identify the issues, but also to identify some constructive solutions to those issues.

We feel that we are very fortunate in having with us Ms. Del Martin for the purpose of presenting to us an overview of this whole problem. Ms. Martin is certainly a leader in the identification of issues in this area, and a leader in endeavoring to have both public and private sectors work out solutions to the issues. She is the chairperson of the San Francisco Commission on the Status of Women. She has been active on the commission's Violent Crimes Against Women Committee. She is the coordinator of the National Organization of Women's National Task Force on battered women household violence. She is a member of the Citizens Safety Task Force of the Mayor's Criminal Justice Council, San Francisco, and a member of the council's victims of crime subcommittee. She was also a member of the steering committee, the Women Advisory Council to the San Francisco Police Department. She was active on subcommittees dealing with handling of marital violence cases and police crises intervention training. Likewise, she was a member of the policy committee for the district attorney Victim Witness Advocacy Project, San Francisco.

We are deeply appreciative of her willingness to be here with us today in order to identify the scope of the problem growing out of the experiences that she has had and the very outstanding contribution she has made. Ms. Martin, welcome to this consultation.

Overview

Scope of the Problem

Presentation of Del Martin

Ms. MARTIN. Thank you, Chairman Flemming, and Commissioners.

A problem—in this case, wife-battering—becomes significant and of public importance when it can be proved that it affects millions of people. Consequently, many of us have been forced to play the numbers game in order to make the public aware that wife abuse is indeed a very serious social problem. Accurately determining the incidence of wife beating, of course, is nigh unto impossible—not only because obvious sources of statistics (police, courts, doctors, social workers, and mental health professionals) don't keep such records, but also because of differences in defining the problem.

The police term "domestic disturbance" is not synonymous with "wife beating." A domestic disturbance may or may not involve actual physical violence. But even agreeing on a definition of "violence" poses a problem. Police seem to think that few domestic disturbances are really violent. They tend to define violence in terms of its effect. In the absence of blood and visible injury, they are apt to discount the wife's report of her husband's brutality.

The law, however, defines violence by the degree of its severity, and social scientists tend to measure violence by the degree of its acceptance. The fact that one-fifth of American adults in a Harris poll approved of slapping one's spouse on "appropriate" occasions is seen by the latter as "legitimizing" a certain amount of violence.

For our purposes, marital violence will be described as "an act carried out with the intention of, or perceived intention of, physically injuring one's spouse." The act can include slapping, hitting, punching, kicking, throwing things, beating, using a weapon, choking, pushing, shoving, biting, grabbing, etc. And the cast of characters includes men and women who live together in an intimate relationship, whether or not they are legally married.

I deliberately called my book *Battered Wives* to focus on marriage as the institutional source and setting in which the violence is initiated and carried out. Although many try to avoid its implications, to me, domestic violence cannot be fully understood without examining the institution of marriage itself as the context in which the violence takes place. The power relationship between husband and wife is culturally determined, and its imperatives necessarily affect other man-woman

13

relationships despite attempts to avoid or escape its legalization by the marriage ceremony.

Another problem in gathering statistics on wife beating, besides the fact that it is one of the most unreported crimes, is that language in police reports and research studies often describes assailants and victims in nonspecific terms. Gender is omitted.

Although many have rebelled against feminist attempts to de-sex the language, suddenly, for some reason, it becomes the vogue when discussing domestic violence. The Kansas City, Missouri, police study of 1971–72 refers to assailants and victims without specifying either their sex or marital role. And social scientists speak of "family" violence and "intrafamily" murder. It should be made clear that what we are discussing is the battering of women by the men they love and live with.

A national survey of 2,143 couples, randomly selected and demographically representative, was conducted in 1976 by Murray Straus, Suzanne Steinmetz, and Richard Gelles to measure the magnitude of marital violence. From the results Straus estimates that, of the approximately 47 million couples living together in the United States in 1975, over 1.7 million had faced a husband or wife yielding a knife or gun, well over 2 million had been beaten up by their spouse, and another 2.5 million had engaged in high-risk injury violence.

The findings showed a high rate of violence for wives, but the data did not indicate what proportion of violent acts committed by wives were in self-defense. Husbands showed a higher rate for the most dangerous and injurious forms of violence (beating or using a knife or gun) and for the repetitiveness of their brutal acts.

Wives reportedly resort to violence mostly as a protective reaction—in self-defense or out of fear. Fighting back, they say, often results in even more severe beatings. Lenore Walker, who has isolated a "three-phase cycle" theory of marital violence, says that many wives, when they recognize the inevitability of an acute incident, may deliberately provoke it in order to get it over with and move on to the "calm, loving respite" stage that follows.

The practice of wife beating crosses all boundaries of economic class, race, national origin, or educational background. It happens in the ghetto, in working-class neighborhoods, in middle-class homes, and in the wealthiest counties of our Nation.

The often held assumption that violence occurs more frequently among lower class families could be due to variations in reporting. Having fewer resources and less privacy, these families are more apt to call police or seek the services of other public agencies. Middle or upper class wives and husbands have greater access to private support services and thus are less apt to come to the attention of authorities.

Women who are treated for physical injuries or for severe depression are often victims who go undetected, since they do not volunteer the information out of fear or shame, and few doctors ask. One psychiatrist, who claimed that he had never encountered a case of marital violence in his practice, was challenged to ask his next 10 female clients. Eight out of the 10 proved to be victims.

Elaine Hilberman and Kit Munson, in their study of 60 women drawn from a rural health clinic, found that the history of physical abuse was known by the initial clinician in only 4 of the 60 cases, although most of the women and their children had received ongoing medical care at the clinic.

The danger in our inability to identify victims is that violence unchecked often leads to murder. The husband in domestic homicides is almost as often the victim as the wife. Since a woman doesn't have the physical strength of a man, she may—out of desperation to put a stop to the beating—pick up the nearest object and let her assailant/husband have it. The object may turn out to be a lethal weapon. In the last year the news media has reported a sizeable number of trials in which the wife murdered her husband after years of being subjected to constant beatings.

The sheer numbers of violent male-female relationships indicate that we would be foolhardy to regard domestic violence solely in terms of the personal interaction between the two parties involved. To understand why it is happening, we must also examine the social imperatives that influence their behavior. This includes a review of the history of marriage, prevailing attitudes towards women, sex role stereotyping, the expectations versus the realities of marriage, and the response of helping agencies in times of crisis. All of these factors have a powerful influence on what we usually think of as a "private" and very "personal" relationship.

Wife beating is not a new phenomenon. It has been going on for thousands of years. Frederick Engels placed its beginning with the emergence of the first monogamous pairing relationship and the patriarchal social and economic system. Prior to the pairing marriage, women, as the only discernible parents, were held in high esteem among the clans. The new arrangement came about because women sought protection from what Susan Brownmiller called "open season on rape," and because men wanted to authenticate and guarantee their identity and rights as fathers. But the cost to women for their husbands' "protection" came high. The new "father right" brought about the complete subjugation of one sex by the other.

Although polygamy and infidelity remained men's privileges, the strictest fidelity was demanded of women, who became their husband's property. Women were confined to certain parts of the home, isolated, guarded, and restricted from public activity. A woman was duty bound to marry, satisfy her husband's lust, bear his children, and tend to his household. If a woman showed any signs of having a will of her own, the husband was expected by both church and state to chastise her for her transgressions.

Women were burned at the stake under many pretexts, including scolding and nagging, refusing to have intercourse, miscarrying (even though the miscarriage was caused by a kick or a blow from the husband), and for sodomy (even though the husband who committed it was forgiven). Too numerous to mention here are the worldwide accounts of the inhumane and callous treatment of women in the name of the law, religion, and social custom— treatment that clearly indicates how deeply entrenched sexual inequality, at the least, and woman hating, at the extreme, is in human history.

In our own country a husband was permitted to beat his wife so long as he didn't use a switch any bigger around than his thumb. In 1874 the Supreme Court of North Carolina nullified the husband's right to chastise his wife "under any circumstances." But the court's ruling became ambiguous when it added. "If no permanent injury has been inflicted, nor malice, cruelty, nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forgive and forget."

The latter qualifying statement has become the basis of the American legal system. Laws against assault and battery are rarely invoked against husbands because the criminal justice system (which is male dominated) and victims of domestic violence (who are primarily female) differ in their interpretations of "serious injury," "malice," "cruelty," and "danger."

The police, mental health practitioners, emergency room attendants, prosecutors, and judges deal with isolated cases and the interrelationship of a particular couple. In this light, it is not surprising that they tend to view wife abuse as a personal dispute in which one or both individuals are to blame. This attitude, coupled with the concept of family as the basic unit of society which must be preserved at all costs, fosters the belief that mediation or professional counseling will restore peace and harmony and thus enforcement of laws against assault and battery will serve no useful purpose.

Police often say that they are called out of "vindictiveness" —that the caller tries to use the police as a counter-punch and get an authority figure to take her side in an argument. Police officers feel they have neither the time, competence, nor social mandate to deal with domestic disputes. Consequently such calls receive a low priority.

In a sample of 283 calls over a 2-month period in Vancouver, B.C., Donald Dutton and Bruce Levens found that a car was dispatched

53.8 percent of the time for man-woman fights. In only 10 percent of the cases did these calls receive priority one attention. If the caller mentioned violence the probability of a car being dispatched went up to 67 percent; this was true also if alcohol was mentioned. If violence and children were involved, a car was dispatched 73 percent of the time. The mention of these variables improved the chances of immediate police response—a decision which was not based on the availability of police personnel or vehicles, the researchers said, because the dispatch rate did not fluctuate with the time of day or the shift.

The arrest rate in this study was about 7 percent. The reluctance of police to make arrests is a common complaint of wife/victims. When a woman calls the police, it is an act of desperation. She expects immediate response and protection. At most the officer, if and when he does show up, may get the husband to leave the home for a cooling off period. Police, of course, can only make felony arrests for "probable cause" and must witness the offense in order to make an arrest for assault and battery misdemeanors.

The onus then is on the victim to make a citizen's arrest, but she may be in a state of trauma (having just been beaten) and incapable of making that decision or fearful of reprisal if she is the one to initiate criminal proceedings. Should she be insistent on her right to have her assailant arrested, the wife/victim is likely to be discouraged from doing so by the police.

At the training academy in Michigan officers are told to avoid arrests and appeal to the woman's vanity. They are told to explain the whole procedure of obtaining a warrant, that she is going to have to sign it and appear in court and should consider the loss of time and court costs. Police are also told to explain that victims usually change their minds before going to court, and perhaps she really ought to postpone any decision about making an arrest.

The training bulletin of the Oakland, California, Police Department warns of the danger to the officer if he arrests the husband, who is apt to turn on him to save face in front of his family. The bulletin also states that when no "serious" crime has been committed but one of the parties demands arrest, the officer should explain the ramifications (like loss of wages and bail procedures) and encourage the parties to reason together.

This policy has made the Oakland Police Department the defendant in a suit brought in Federal court by four battered women on the grounds that the nonarrest policy is a denial of their right to equal protection under the law and a breach of the duty of police to make arrests. A similar suit is pending before the Manhattan Supreme Court not only against the New York City Police Department, but also the clerk and probation employees of the family court. This suit was brought by 12 battered women, and 59 more have filed affidavits—a clear indication that many victims would follow through on their complaints if the criminal justice system were more responsive and less obstructive in its procedures.

In recent years family crisis intervention training for police has been highly touted as the means and mode of handling domestic violence cases. The concept, or at least the words, sound impressive, but the effectiveness solutionwise is questionable. While a reduction in repeat calls is attributed to this training, it may be that victims do not call back because they feel it would be useless to do so. Much of the training is to teach the officers how to protect themselves, and rightfully so.

The FBI statistics for 1974 show that one out of five officers killed in the line of duty died trying to break up a family fight. Yet, ironically, police still dismiss domestic disturbances as mere "family spats." If they are dangerous to trained police officers, they must certainly be dangerous to a defenseless woman and her children.

Equally disconcerting is this reference in the training guide published by the Law Enforcement Assistance Administration of the U. S. Department of Justice: "Although the prevailing American culture tolerates a minimum of physical force as a reaction to anger, such physical force is the common response among certain ethnic groups. Therefore, whether or not the use of such force can be considered serious depends in part on the cultural background of the people using it."

The guide goes on to say, "In some cultures the dominance of the father is especially noticeable. In Puerto Rican families, for example, the need to assert masculinity ('machismo') is very important to males and taught to them early." Such an approach possibly reflects some racist assumptions. But, if indeed, some communities are more tolerant of family violence, that situation is part of the problem and should not obviate enforcement of the law.

The values and perceptions that become the excuse for doing nothing are those of male culture, which is, by and large, shared by male police officers. It does not necessarily reflect the perceptions of nor the acceptance by women who are victims of that culture.

Most police training guides refer to family disputes and rarely make direct references to wife beating. I did manage to find this single example under the heading "Illustrations of Dispute Situations Involving the Use of Authority, Negotiation and Counseling Approaches." "A married couple had an argument resulting in the wife's nose being broken by her husband. The officer asked the wife for her story, if she wanted her husband arrested, if she still loved her husband, and where he could find the husband. After locating the husband, the officer informed him that his wife was in pain, and asked him if he loved his wife, and what had happened. He then brought the two together and asked them to talk and apologize to each other. He reminded them that their child would never forget incidents like the present one, and suggested that if one spouse began to argue, the other should remember her or his responsibilities and leave. He said that if they both acted like children there would be no one to govern their child. Reminding them that they were lucky this time—the husband had no charges brought against him; the wife had only a broken nose—the officer left."

The benevolent nonarrest policy might be satisfactory in some instances if the husband/assailant responded to leniency and kindness by resolving never to resort to violence again. Unfortunately, the man is more apt to see this leniency as reinforcement for his abusive behavior. He quickly learns that lesser injuries, like a broken nose, are tolerated by the system and the probability of his being taken into custody is remote. In the Oakland case against the police, one complainant stated that her husband repeatedly handed her the phone and dared her to call police, knowing full well he was safe from arrest and prosecution.

Male prosecutors and judges react in much the same way as the police. District attorneys count stitches and witnesses before deciding if they have a "winning case." And judges, when the husband is found guilty, are likely to let him off with a warning, probation, or a small fine on his worthless promise that he won't do it again.

Although studies show that domestic violence, when it becomes an established pattern, often leads to homicide, police and others in the helping professions persist in viewing the violence as resulting from an argument or communications breakdown. The danger of escalation of the violence is all too often overlooked. Well, not entirely. There are social scientists who are speculating on what makes the difference between the man who merely wounds his wife and the man who kills her. One researcher sees the murderer as a man less experienced in violence who can go too far when he loses control. Another says that alcohol could affect his judgment of the degree of battering a woman could take without dying.

Social service agencies are no more effective than the criminal justice system in offering battered wives help and protection. They are not open at night or on weekends when the violence usually occurs. Emergency housing for women with children, until recently, was virtually nonexistent.

A 1973 survey in Los Angeles showed that there were 4,000 beds available for men, but only 30 for women with children, and none for mothers with sons over 4 years of age. This is an indication of how outdated our social service system is. The assumption is that men may be transient and in need of shelter, but that women always have a home—with their husbands or their parents.

A woman who flees from a violent home in the middle of the night is usually without funds and has only the clothes on her back. If she seeks welfare, she may be turned down because her husband's salary disqualifies her. Unless she has filed for divorce or has established separate maintenance, technically she is neither homeless nor destitute. In St. Louis, Missouri, I am told, it takes from 4 to 6 weeks for the first welfare check to come, during which time the woman must have established a permanent residence, been cleared by a social worker who makes a home visit, and provided the department of social services with proof of birth and social security numbers for herself and her children. To rent a place the woman needs money, and rent vouchers are difficult to obtain. If she is lucky enough to get one, however, she finds that most landlords won't accept rent vouchers. They want cash on the line. Without a place to go or means of support until she can become independent, the wife/victim is often forced to return to her violent husband.

A study of 100 battered wives in England revealed that 89 had fled their homes, 36 having fled four or more times, and some having left 10 or even 20 times. They had returned home because (1) they were found by their husbands who either threatened them with further abuse or promised to reform, or (2) none of the agencies they turned to for help could offer them protection or a roof over their heads. Also, many of the women married right out of high school, had no job experience, or marketable skills.

If a woman does manage to get away and obtains a divorce, she still has no guarantee of safety. Some ex-husbands continue to stalk and hunt down "their" women for years after a divorce, forcing their victims to move and change jobs continually. Despite the danger, judges continue to grant violent fathers visitation rights, and thus the opportunity to further intimidate their ex-wives.

When a woman concludes that her husband isn't going to change and that she has no alternative but to leave him, she is forced to face the cold, hard facts of the poverty of her existence. How is she going to support herself and her children? Even if she had worked before marrying, her lack of recent references counts against her. In all likelihood she will have to take a menial job at low pay to reestablish herself as a member of the work force. Discrimination against women in employment often precludes her from advancement in position and salary.

It is often said that a wife is one man away from welfare. Despite myths to the contrary, studies show that alimony is rarely awarded and most fathers do not even make child support payments as ordered by the court. In the first year after divorce, 62 percent fail to comply fully and 42 percent do not even make a single payment. By the 10th year, 79 percent are in total noncompliance. Without child support or child care, the divorced working mother may find that her "take home pay" is less than the minimal subsistence offered by welfare.

Instead of asking the all too frequent question, "Why does a woman stay in a violent marriage?" we should be asking, "What is it about marriage and society that keeps a woman captive in a violent marriage?" I have already alluded to historical attitudes toward wives as property of their husbands, to acceptance of lesser violence, like slapping, as "legitimate," and to public agency policy which offers victims no alternative. But the basic problem, as I see it, is the institution of marriage itself and the way in which women and men are socialized to act out dominant-submissive roles that in and of themselves invite abuse. Husband/assailants and wife/victims are merely the actors in the script that society has written for them.

Battered women are often perceived as somehow provoking their husbands to violence in order to fulfill a basic female masochistic need. Such theories evolve from the patriarchal structure of our society in which the dominant group (men) define acceptable roles for subordinates (women).

The superior role of men is maintained by definition of "masculinity" as strong, active, rational, aggressive, and authoritarian and "femininity" as submissive, passive, dependent, weak, and masochistic. These roles are incorporated into the culture by its philosophy, science, social and psychological theory, morality, and law. The inequality of the roles is obscured by calling them "natural" or "normal" and by training women to dependency upon men in order to maintain the nuclear family as the basic unit of society.

Women have been socialized to believe that their greatest achievement in life is marriage and motherhood and that failure of the marriage is the wife's personal failure. If the woman adopts the characteristics and role assigned to her, adapts to her husband's personality and submerges her own, she is called "normal" and "feminine." This was emphasized in the Broverman study in which professional therapists were asked to describe typical male and female behavior and to indicate what is normal adult behavior (sex unspecified). Not surprisingly, they described male and female behavior in stereotypical terms and equated the normal adult with accepted male characteristics.

Ruth Pancoast and Lynda Weston point out that men experience no dichotomy between adulthood and manhood because society says the two are identical. But the woman who tries to be a healthy adult does so at the expense of being "feminine," and a woman who adjusts to her "normal" role does so at the expense of being a healthy adult. Society has then constructed a "no-win" situation for women.

Furthermore, the feudal system of marriage described earlier is still existent today. Aaron Rutledge says, "Despite the age of jets and satellites, some people try to get by on a horse-and-buggy marriage. . . . Individuals who would not tolerate a feudal society still insist upon an owner-tenant type of family structure."

The master-serf type of family is characterized by the husband/father as head of household who, as the breadwinner, gives his wife and children what they need, as he defines their needs. This "stay-in-your-place" family depends upon each member following preconceived roles and respecting the authority of the husband/father, who metes out punishment when the wife or children get out of line.

In early English common law husband and wife were considered one person: "The very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband, under whose wing, protection, and cover she performs everything."

A 1944 Florida Supreme Court decision verified that a woman's legal status in the 20th century is no different: "A woman's responsibilities and faculties remain intact from age of maturity until she finds her mate; whereupon incompetency seizes her and she needs protection in an extreme degree. Upon the advent of widowhood she is reinstated with all her capabilities which had been dormant during her marriage, only to lose them again upon remarriage."

In many States the husband has exclusive authority over "community" property, including all the wife's earnings, and can dissipate the family assets without the wife's prior knowledge or consent. The wife is at the mercy of her husband, whom the State presumes to be a benevolent despot. If he decides to give her no money and refuses to buy her clothing, she has no legal recourse.

In 1953 a Nebraska court ruled: "The living standard of a family are a matter of concern to the household. As long as the home is maintained and the parties are living as husband and wife it may be said that the husband is legally supporting his wife, and the purpose of the marriage relation is being carried out."

The 1962 ruling of a Connecticut court was even more explicit about the wife's obligation to her husband "to be his help mate, to love and care for him in sickness, and to labor faithfully to advance his interests." She must also perform "her household and domestic duties. . .without compensation therefor. A husband is entitled to benefit of his wife's industry and economy."

In marriage the woman loses her personhood and is identified in terms of her husband. With few exceptions, she takes her husband's name and his domicile. She must literally "love, honor and obey" or suffer the consequences. Her labor is a duty to be performed without value or compensation. Since the wages her husband earns belong to him, she is totally dependent upon his whim or generosity—a situation that leaves the wife vulnerable to abuse.

Needless to say, the expectations women have about marriage differ significantly from the reality of the marriage contract, which Lenore Weitzman points out is unlike most contracts. Its provisions are unwritten, its penalties unspecified, and its terms are unknown to the contracting parties, who are not allowed any options to its terms.

A study conducted by Hernan San Martin in Chile on the reasons women and men marry showed that the women's chief motive stemmed from the desire to get out from under parental control and be free. They also married because of the consequences of not marrying. The reasons men gave for marrying were more in keeping with patriarchal imperatives: that marriage should incorporate fatherhood and provide the man with a "companion" to do the housework, take care of his sexual needs, and look after the children.

Adherence to and reinforcement of stereotypical sex roles by legal and social sanctions obscure the patriarchal nature of society, which depends upon the subjugation and control of women and uses marriage as a routine means of enforcement.

Most research into marital violence concentrates on external influences on the husband's behavior. He was under stress, he lost his job, he drank too much, his mother had an extramarital affair. Whatever the rationalization, it serves to excuse the husband's behavior and remove him from responsibility for his own acts.

The reality of the wife's condition is not seen in its totality, but only in terms of what she may have said or done to provoke her husband's anger. Clinical approaches that attempt to change the husband's behavior by changing the wife's behavior only further victimize her. Such approaches reinforce the husband-over-wife feudal relationship, which we must come to realize as economically based if we are to find any long-lasting solutions to marital violence. Manifestations of psychological warfare and violence are reactions to the economic system that socializes men to be powerful and women to be dependent.

Donald Morlan says that separating out "battering men" from so-called "normal men" is to disregard the fact that virtually all men are angry at women and that a batterer is acting out an extreme of what most men feel, at least part of the time.

He attributes this anger to the restriction of men's emotional life and intimacy only with women, to the socialization of boys to repress emotion and exercise power, and to men's sense of failure when they find themselves weak rather than strong, or disoriented rather than clear and decisive. "Given the few number of men who really get to exercise power and the fact that we are all socialized to be powerful," Morlan says, "there are a lot of us walking around who are like pent-up volcanoes." He concludes, "Our present economic system requires its quota of failures to keep us all obediently in our particular assembly lines working hard and grumbling little. . . . Men will be angry and find their anger channeled against women a long as all of us shackle our physical and emotional lives to an economic system which values impersonal profits more than whole persons."

What can be done to alter this collision course between men and women? Family crisis intervention training, strengthening of and enforcement of protective orders, victim-witness advocacy programs, emergency hotlines, shelters for battered women and their children, and couples therapy are all services that have recently been developed to deal with the immediate crisis.

The shelter network, established by grassroots women's groups with its "underground railway" by which battered women can be transported from one State to another, affords the only real protection to the victim. The other measures may stop a particular incident and postpone or reduce further violence, but do not prevent its recurrence. As such, they are stop-gap Band-Aid measures.

An innovative judge in Hammond, Indiana, has named the wife/victim her husband's probation officer. The rationale is that the man won't hesitate to beat up his wife, but he might think twice about beating up an officer of the court.

In Milwaukee, Wisconsin, a "first offender" is required to participate in a treatment program or face prosecution. The district attorney warns him that although the incident will be held confidential, the charge will also be "held open." A recurrence of the violence results in two counts of battery, arrest, and advice to the court that the man had already been given informal probation. Additionally, when a case is set for trial and the woman is under continuing threat of violence, the sheriff's department provides 24-hour protection. This program seems to be one of the most effective deterrents for first offenders and does take into account necessary safety precautions.

In Ohio a bill was recently introduced so that a second offense against a spouse will be a felony so that police can make arests for "probable cause," relieving the victim from responsibility for initiating criminal charges against her husband.

On November 30, 1977, the Texas Supreme Court abolished a 91-year old legal doctrine and ruled that a wife can sue her husband and collect damages for injuries he deliberately inflicted on her. The ruling was made retroactive to March 1971, the date of the incident and case that prompted the ruling. If a woman is awarded damages, the husband would have to pay her from his share of the community property or from his assets not considered community property.

Some see therapy rather than law as a solution. But what kind of therapy? Certainly not the traditional kind that is steeped in sex role stereotyping and sees rehabilitation of the family as the only goal. Wife beating is a traditional practice that has been exacerbated by traditional attitudes and institutions.

Solutions to the problem, therefore, call for nontraditional measures and radical change in approach, the impetus for which has come from women who are victims of tradition. Women have been developing their own support systems for victims based upon the concept of women helping women. They see their roles as advocates rather than as counselors.

Beside hotlines, response to the immediate crisis, emergency shelters, legal aid and other referrals, these women provide consciousness raising, assertiveness training, self-defense and feminist therapy—if, indeed, therapy is called for. The battered woman gains confidence and strength through peer counseling, sharing with other women who have suffered the same experience. The support group works to explore what part is her responsibility and what is imposed on her by society. The wife/victim becomes aware of options open to her, knowing that whatever she chooses she will have support from the other women.

Feminists insist that if anyone is mentally ill, it is not the victim but her assailant. What the women need is advocacy: first of all, someone to listen nonjudgmentally; secondly, assurance and support; third, someone to help them through the bureaucratic maze of the legal and social services. Psychotherapy, feminists believe, is based on patriarchal assumptions which are the cause of the wife/victim's plight and therefore is inappropriate in solving her problem.

Marya Grambs, co-founder of La Casa de las Madres, the shelter for battered women in San Francisco, says that intervention by a male therapist, whose authority in the therapeutic process duplicates the power relationship of husband and wife, thereby continues the cycle of the woman's dependency on men. What is needed, she says, is to help the victim make connections with other women and reduce her isolation. Some of the best therapy, Grambs claims, takes place in the shelter while doing dishes or during midnight raps. The function of La Casa is to help the women take power over their lives.

What we need are counterpart programs conducted by men who are liberated enough to have no need to prove their manhood, to work with battering husbands in much the same way as women are helping wife/victims. If men would stop making jokes about wife beating, if they would let batterers know in no uncertain terms that violence is not acceptable male behavior, if men would offer husband/offenders peer support and programs to help them change destructive patterns into constructive outlets for their hostility—we would move a lot faster towards ending marital violence.

Barry Shapiro of the Berkeley Men's Group, tells me that his and other men's groups affiliated with the National Conference on Men and Masculinity, which met in St. Louis during November 1977, are considering the formation of such programs. It is hoped that these men's groups will help to break down the impossible image of masculinity, which, Morlan says, dooms men to feelings of frustration and rage and puts women in the role of their projection targets. Men need to learn that it is all right to be vulnerable if they are ever going to be comfortable with their own unique mixtures of strength and weakness.

But coping with man-woman anger and hostility as it erupts is not enough. At the same time we need to deal with problems inherent in the institution of marriage itself and the economic and social structure of the society that creates, harbors, and festers the hostility. Monogamous marriage — or serial monogamy, at any rate—is still the accepted and expected relationship. While the divorce rate today is very high, the remarriage rate is also high.

Historically, marriage has four main functions: (1) reproduction and the guarantee of the father right; (2) economic provision for family members by the husband/father, who is designated head of household; (3) care of children and household maintenance by the wife/mother in return for bed and board; and (4) psychological security and social acceptance within society so long as the marriage remains intact. Survival needs, the need for a recognized position and status in society, and stigmatization of unmarried women have been compelling reasons for keeping battered wives silenced and locked in violent marriages.

The real problem with existing marriage and divorce law, according to Weitzman, is that it favors "structure, stability and security to the exclusion of flexibility, change and individual freedom." Roles which the courts presently demand of husbands and wives are rigid, archaic, and arbitrary. They stem from material considerations and disregard personal ones.

The acting out of these roles (authoritarian husband and servile wife) and the imbalance of power they represent are largely responsible for marital conflict. Balance of power has long been a principle of international relations to prevent strong industrialized nations from taking over or victimizing weaker underdeveloped countries and to stave off war. By analogy, creating a balance of power—both economic and social—between marital partners could be the means of preventing one sex from taking advantage of the other and preventing the violence this imbalance provokes.

Seen in this light, marriage would be a partnership—an egalitarian relationship—in which both husband and wife have equal ownership and share management and control of the income, assets, and liabilities. To effect such a partnership, marriage laws would have to be redefined to allow the individuals involved to determine and agree upon their own roles and living arrangements according to their own particular needs and lifestyle. These agreements should not be the business of the state; the state's only interest should be to adjudicate disagreements.

"A man and woman could decide, in advance, on the duration and terms of their relationship, as well as conditions for its dissolution," Weitzman points out. "They could specify their respective rights and obligations for the financial aspects of marriage (support, living expenses, property, debts, etc. as well as those for their more personal relations, such as responsibility for birth control, the division of household tasks, child care responsibilities). Further, they could make some decisions before entering the relationship while reserving others for later (such as domicile changes). They could also specify the process of making a later decision such as an agreement to use an arbitrator in the event of disputes."

Whether these be contracts within or in lieu of marriage, the couple could decide if they wanted to take turns working full time, or they could both work part time, allowing them to share necessary household chores and caring for the children. As Morlan says, "We need to stop being just Mothered and start being Parented from the moment of birth. All of us need a bisexual emotional foundation."

One standard provision, without any option, which I would like to see written into every marriage contract is the restraining order. It should be built into the contract so that it is clearly understood by both parties at the outset that violence will not be tolerated and the restraining order will take effect immediately upon violation.

Allowing couples to draw up thir own marriage contracts and to exercise options, of course, requires many changes: ratification of the equal rights amendment; passage of the Full Employment Act, based on the principle that employment should be available to all adult Americans able and willing to work at fair rates of compensation; enforcement of "equal pay for equal work" laws and antidiscrimination employment policies; legislation to create part-time work, flexible work schedules, and shared jobs in civil service and education of the private sector to understand the advantages and value of such work flexibility; and provisions for on-the-job or community child care centers so that single-parent heads of household can earn a living wage and extricate themselves from the welfare system.

The more traditional marriage—having one partner remain in the home and take care of the household while the other works—should not be precluded as an option. But provisions should be made to protect the homemaker economically in the event of dissolution by social security coverage, divorce insurance or such programs as the Displaced Homemakers Act, which provides for job counseling, training, and placement for the woman reentering the work force. Child support orders should have cost-of-living escalation clauses and should be backed up by Federal legislation enabling Social Security and Internal Revenue Service to locate missing spouses who renege on their payments.

These may sound like radical changes, but they really aren't. Some of them are already in process or are under consideration. Although individual marriage contracts have yet to be legalized, a few couples are already drawing up their own contracts, some provisions of which have been honored by the courts, while others have not been.

Legislation to alter inequities in our economy have already been introduced, and some attention is being paid to revisions of family law. What we are faced with is cultural lag and the resistance of bureaucratic institutions to social change.

Clearly the problem of domestic violence cannot be solved without addressing the foregoing economic issues or without revolutionary changes in attitudes towards the roles of women and men in our society. Without such changes we cannot ensure women "equal protection under the law," and without such protection they will remain vulnerable to their husbands' abuse.

Commissioner Freeman. Thank you.

Ms. Martin: Thank you.

Chairman Flemming. We have had the privilege of listening to your presentation. We are very indebted to you. Most certainly you have provided us with an excellent analysis of the situations that confront us and many of the reasons for those situations. And you have also provided us with some very constructive possibilities or approaches that could lead to solutions. This analysis, this overview will be invaluable to us as we listen to persons who will be participating in the panel discussions because it will help to identify questions for us that we will want to address to them as we seek to identify possible solutions in this consultation.

Ms. MARTIN. I want to thank you for the opportunity.

CHAIRMAN FLEMMING. We are indebted to you. Your timing is perfect because we are expected to move to the next item at 10 o'clock and it's 10 o'clock. So, we appreciate that also very, very much. We hope that you will be able to participate in at least part of the consultation. If you have ideas that you would like to pursue with us, we will welcome your doing so. Thank you very, very much.

I am going to ask my colleague, Commissioner Freeman, to preside as we consider the next item on our agenda, which is under the general heading of Law Enforcement and Justice. Under the subheading of Wife Beating, Government Intervention Policies and Practices, I will ask her to introduce those who are going to make the presentations and all the members of the panel and preside over the discussion. Commissioner Freeman?

Law Enforcement and Justice

COMMISSIONER FREEMAN. As the Chairman has said, the next topic is Wife Beating, Government Intervention Policies and Practices. The paper will be presented by Ms. Marjory Fields, attorney for the Brooklyn Legal Services. And I would like to ask her to come forward.

She will be followed by the reacting panel, James Bannon, Georgene Noffsinger, and the Honorable Judge Juanita Stout, who will sit to my right.

Marjory Fields is a New York attorney, supervisor of the Family Law Unit of Brooklyn Legal Services Corporation B., a free legal services for the poor, part of the National Legal Services Corporation. Since 1971 she has worked to obtain improved legal, police, and shelter services for battered women.

She has testified at public hearings and has written articles on the legal problem of representing battered women, consultant to the Pennsylvania and New York State Legislature, has helped draft innovative law to improve legal remedies for battered women. She will make a summary presentation of her paper.

And then following her presentation, there will be a reacting panel, Mr. James Bannon, who is executive deputy chief of the Police Department of Detroit, Michigan. He has commanded city precinct detectives, homicides and robbery detectives as a division commander. He founded the first internal affairs units, co-founded the first criminal intelligence unit. He is the recipient of 38 citations for meritorious police work.

Mr. Bannon will be followed by Georgene D. Noffsinger, who has also conducted research and is on the Advisory Council of Abused Persons Shelter of Montgomery County, Maryland, and who decribes herself as a person who is engaged in research, following the fact that she was herself a victim.

Then she will be followed by the Honorable Juanita Kidd Stout, judge of the Courts of Common Pleas, Philadelphia, Pennsylvania, and the first black woman to be elected to a court of record in the United States. She has been on the bench since 1959. Ms. Fields.

Wife Beating: Government Intervention Policies and Practices

Presentation of Marjory Fields

Ms. Fields. Thank you, ladies and gentlemen, members of the Commission. It's a pleasure to be here today to discuss this serious topic. Wife beating is a civil rights problem of enormous magnitude. Crisis centers in New York City have since July 1977 seen 1,000 people, 490 of whom were battered wives and 2 of whom were battered husbands. In the last 6 years our legal services office has seen over 3,000 battered women who were seeking divorces because of serious marital violence.

Wife beating, as I use it, is a pattern of physical abuse of a woman at the hands of her former husband, husband, or male companion. It consists of repeated blows with the intention of inflicting harm. It is more serious than a mere dispute and it is not a single shove or a single slap. Threats and verbal abuse which are preceded by beating are all a part of the pattern of control of a battered woman by her assaultive husband.

The term battered wife, as I use it, includes any woman assaulted or threatened by a man with whom she has been intimate or to whom she is or was married. A battered wife is uniquely dependent upon her attacker, emotionally and financially. The typical battered wife feels powerless to change her circumstances. She is filled with self-blame, believing that her actions have caused the beating she has suffered. Battered wives are trapped, trapped by an unresponsive legal system which does not apply sanctions against men who beat their wives. Their plight is worse than that of rape victims because battered wives are compelled to continue to reside with their assailants.

The legal system fails to protect battered wives. It assumes that battered wives are guilty parties who have provoked, deserved, and wanted the attacks that they have suffered. Having no recourse on the law, battered wives are forced to flee and hide from their assailants. As a result, they are deprived of their liberty and their property without due process of law. The offenders are usually free to remain at home among their friends and relatives. Their acts of violence are not only excused and forgiven, but condoned and reinforced.

As a class, battered women are denied the protection afforded to other victims of crime. They are discriminated against by police, prosecutors, and judges. As women victims of crime, they are not believed. The statements of their husbands or male companions are given presumptive credibility.

Finally, battered wives are expected to keep their feelings and opinions to themselves and to accept their husbands' abusiveness. Battered wives are denied the civil rights and civil liberties guaranteed to citizens by the Constitution.

Perhaps the most serious problem for the individual who has suffered from assault is the failure of the police to respond to call for help. The second problem is that when the police respond, their reactions exacerbate the situation. Police officers are supportive of the attacker. They ask the woman what she did to provoke the assault. They express legal opinions that the woman has no rights, and that there is nothing the police can do when the victim and assailant are married.

Raymond Parnas, in his police study published in 1967, found that there was no training of police to handle domestic disputes in the city of Chicago. He went with some of the officers on patrol. He accompanied them on their calls to family violence situations.

As a reaction to this study and in response to the finding that police officers were being killed in family violence calls for assistance (between 1961 and 1963, 21 percent of police officers killed in the line of duty were killed responding to "disputes," as they are called by the police), training was instituted in many police departments. Unfortunately, this training was and is designed to encourage mediation to reduce police injury, and secondarily to help the parties. Much of this material was sexist.

The cause of family disputes presented in the New York City training manual on *Police Response to Family Disputes* are interpersonal and intrapersonal. According to the manual, some of the examples of intrapersonal causes of disputes begin with the woman going through menopause who is very depressed. Officers are warned that intoxicated people, women, and psychotics are dangerous to police officers. The list of causes, four disputes over children, begins: (1) mother rejects the father, (2) transfers love and affection to the child, (3) sometimes sexual forms, and (4) emotional stability of the child may be impaired.

This emphasis on the guilty, rejecting wife as the cause of family conflict is further developed in four family dispute skills for officers to watch in training. In all four skits the women are presented as dominating and forceful, except one who is a heroin addict. The conflicts portrayed in the first three plays are caused or aggravated by the women in the family In the last play the wife shares the blame. The actors are told to present the following roles: sister—portray a dominant female figure who has control over father. This is a person who is very forceful and dominating in her actions and conversation. She should be portrayed as a person who takes delight in controlling her husband. In her role with the police officers, she should maintain her unyielding attitude and continued insistance on her husbands removal from the apartment. Her husband is an alcoholic. She contributes to his alcoholism.

This reformist training material has been followed by what I call revisionist training material. The revisionist training material has come about as a result of the pressure of women's groups working to help battered wives. And perhaps I might inject that these groups universally throughout the United States, Europe, and Australia (from correspondence we have had and women we have met) complain about the failure of police to respond.

Our clients tell us that when they call the police, the police invariably ask "Are you married? Then there is nothing we can do. Go to a family court tomorrow," and they leave. So that when we began to work on this problem, all of us who have been helping battered wives, our first target was the police. In response to this, the New York City Police Department, for example, published an Area Level Training Bulletin in September of 1977.

A group of women had negotiated with the police since last April in an attempt to get them to revise their training. These new materials, to say the least, are disingenuous. They are responding to the problems of battered women, but the police officer was told that he is responding to the problem of "battered spouses." The spouse may be afraid to leave for fear of retaliation. The spouse may be afraid to leave because she fears there won't be jobs for women. I think the police officer reading this is going to believe "business as usual," that the former policy of mediation, "no arrest, get out fast, protect yourself," is still the order of the day.

In contrast, the International Association of Chiefs of Police in their 1976 training materials, mentioned by Ms. Martin, state that wife beating is not to be regarded as a victimless crime. The officer is to treat it as a serious, violent act, to investigate it, to prepare the case for trial, and to provide the victim with protection and medical assistance, even when she insists she does not need it. Based solely upon the officers' expert opinion as to what is necessary under the circumstances.

In addition, the association suggests that in serious and repeat cases, even where the woman is unwilling to complain, the officers should do so themselves because her failure may be based on fear and ignorance. And the officer by acting may in fact encourage her to try and do something about her situation to resolve it.

It has often been stated that the most dangerous activity for police officers is responding to disputes calls. "Dispute calls" include a man with a gun, barroom brawl, and family violence.

Nineteen seventy-six FBI crime reports, however, state that the most dangerous situation for a police officer, most lethal, that is, is attempting an arrest other than robbery. The second most dangerous, most lethal, that is, activity for police officers is pursuing a robbery suspect. And the third most lethal activity is intervening in family disputes.

What should be done? I suggest that family violence be treated as a crime, that the initial response should be to separate the parties and provide medical assistance and protection for the victim, that information gathering be conducted at the dispatcher and responding police officer level. The dispatcher informs the responding officer that there is a violent situation, that a weapon may be involved. The responding officer will not be injured because he/she will be prepared for the danger.

Mediation of verbal disputes should absolutely be continued and encouraged. But disapproval of violence must be expressed by police officers. This is suggested by the International Association of Chiefs of Police. Arrests should be based on investigation on the scene and probable cause for arrest, not upon predictions of whether or not victims will follow through with complaints or cooperate with prosecution. The reality is that prior failure to cooperate with the prosecutor is not predictive of noncooperation, but rather predictive of cooperation because the husband has been given a chance to reform. His failure to reform, we find, leads to the woman ultimately to cooperate with the prosecution or at least to attempt to resolve the situation.

I suggested an experiment: a comparison among three different kinds of police jurisdictions. A proarrest jurisdiction using the techniques suggested by the International Association of Chiefs of Police in the Training Keys numbers 245 and 246 compared with a nonarrest jurisdiction and a jurisdiction with no stated policy (in which we can presume that the police officer will act as described in the 1967 study of Raymond Parnas, attempt to mediate and leave the scene as quickly as possible).

When police officers fail to act, part of the reason they do so is that prosecutors do not reward police officers' good investigation. They do not take the detective work and prepare their case so that it can be successful at trial. Prosecutors treat police investigation as though it had not happened. The battered wives are treated as though there were no corroboration of injury by responding officers, no examination of crime scenes by responding officers, and no basis for arrest.

Diversion to community dispute centers and social work services has become an end for prosecutors. The goal is reducing case loads rather than careful selection of those cases which are appropriate for prosecution based on severity of the injuries and prior history. Family violence is deemed minor without regard to evidence before the prosecutor. Even when community dispute centers return cases to the prosecutor after having made decisions that there was abuse, prosecutors refuse to accept these cases back for trial.

Nonprosecution shows police officers it does not pay to be diligent. Nonprosecution shows wives that there is no one stronger and more powerful than their husbands who are either willing or able to stop their assaults.

Wives should be treated as experts on the pattern of attacks and the cycle of calm which precedes the violence. The decision to prosecute should be based not only upon the seriousness of the most recent beating, but also on prior attempts to get help, what happened each of those times, and the length of the marriage. We find the longer the marriage the more likely it is that the woman will follow through to get help.

We have found that the woman seeking a divorce is more likely to follow through with the criminal prosecution, but only when she has no other way to obtain physical protection. The prosecutors must evaluate on a case by case basis rather than categorically. making judgments.

And finally, withdrawal of a complaint from a policy point of view should not be seen as a defeat. Withdrawal of the complaint may mean that a mere threat of criminal prosecution caused the man to reform, has led him to seek counseling and help, has led to perhaps a reconciliation between the parties on a more meaningful basis as two equals trying to form a better marriage. Or it may mean that the time that the prosecutor has had the husband in custody has given the woman the only opportunity she has ever had to escape from an assailant who will not desist.

If he is one of the small category of men who will not be deterred, who will pursue his wife no matter how long or what threats are made against the husband by the criminal justice authorities, that incarceration may have in fact given her the possibility of freedom by allowing her to escape. There will be no need for the prosecution because its complaining witness will not have stayed around to testify and suffer retaliation.

The next group which fails to aid battered wives are judges. Judges often believe that if the parties get a divorce everything will be fine. The judicial attitudes Raymond Parnas found when he studied judges, in a subsequent study after the police, failed to provide any correctional or deterrent function. Judges regularly impose sentences that are nonexistent in statute such as unsupervised probation, regardless of the number of previous incidents, regardless of seriousness of the last incident. When there is a divorce in progress, they regularly treat a wife beating criminal complaint as a "maneuver" in the divorce action, something the lawyer advised to help further the wife's divorce case.

Judges failed to recognize that men who beat their wives may be dangerous to their children. Judges say that wife beating is a matter between the husband and the wife and ignore the fact that a violent man having his major target removed may turn in violence on his children. They ignore the fact that children who have seen their mother seriously beaten by their father may be terrorized by their father because of the threat of violence even though their father may never have touched the children.

We know of the serious effects of wife beating on wives. It is time we studied the effect it has on children. It is time that judges recognize that wife beaters should not be given their wives addresses to facilitate visitation. But the visitation should take place in a neutral place. These men must be kept away from the homes of their wives.

There is a case pending in Arizona in which the judge directed that the wife give not only her residence address but her business address to her former husband, even though she had faithfully complied with all visitation requirement in that divorce judgment. Unfortunately, our only remedy when dealing with judges is public pressure, court watching, and negotiations.

Conditional releases, directions to stay away from the complainant and the children are within the power of the courts and should be used. The New York State Legislature, in its last session, enacted legislation giving judges the power to condition releases so that they cannot retreat to the "I don't have the power" syndrome which we have found.

Perhaps if we got stronger judicial responses we would find that spouse murder would be reduced. Husbands and wives murder each other in about equal numbers—52 percent of the victims are wives, 48 percent are husbands.

The statistics have been stable in the last 20 years from the Wolfgang study to the present FBI uniform crime reports. Wolfgang studied 588 cases of murder in Philadelphia during a 5-year period. There were 100 cases of spouse murder. He found that 23 percent of all the women homicide victims had been beaten to death by their male assailants. Forty one percent of all women victims were killed by their husbands, and he found that 11 percent of all the men killed were killed by their wives. Of the husbands who were killed, 28 were victims of what Wolfgang called a "victim-provoked" homicide, that is, the victim was the first one to pick up a weapon in the altercation that led to his murder. Five wives were victims of victim-provoked homicide. But 19 husbands and 48 wives, out of a total of 53 wife victims, were victims of nonvictim-provoked homicides.

At least one-third of the wives in Cook County jail and in Illinois State Prison for women who murdered their husbands were found to have murdered after years of abuse by their husbands. It appears, although this is not certain from the data we have, that women murder men who assault them, husbands murder wives whom the husbands beat.

The answer clearly—and this is a conclusion reached by people who did a study of the California women's prison in the 1960s—is that we must do something that will resolve unhappy and violent marriages.

Prosecutions can have an affect on wife beating situations. They can preserve the marriage, provide protection, and even when they are not effective, they can show that women have tried as much as they possibly could, and show them that their marriage cannot be saved. Most important, I think, are shelters for battered wives because the criminal justice system cannot be reformed overnight, because judges' attitudes and civil prosecution cannot be changed immediately.

The only recourse for battered women is flight and hiding. Although this violates the civil rights of the victim because a shelter for battered women and their children is truly a prison out of which women fear to venture for weeks after they arrive, to which women go without even the clothing that they own, none of their possessions. Children are left without toys and schoolbooks. Yet there is no choice at the moment. It is absolutely necessary.

The traditional nonresponsive policies and practices have deprived battered women of their civil rights and civil liberties. Shelter and legal assistance programs should receive priorities from Federal funding and grants now. Welfare regulations should be amended to assure emergency assistance to battered women everywhere. Federal welfare, housing, and jobs perhaps should issue guidelines and regulations to assure that women receive their full share of these public benefit programs.

Research and demonstration projects should be undertaken to learn the most effective police, prosecutor, and judicial response to family violence. Comparison studies should be made of families in which there is wife beating and those in which there is no wife beating, and those in which violence was resolved peacefully as contrasted to those in which violence has ended by homicide or serious assault. From those results, programs and policies can be formulated which facilitate the peaceful resolution of family violence and foster the conditions in which nonviolent family relationships can exist.

COMMISSIONER FREEMAN. Thank you very much. Each of the panel members will be allowed a 10 minute response. Then there will be an opportunity for questions by the Commissioners. Now, I'd like to call on Executive Deputy Chief Bannon, and he will be followed by the speakers in the order in which they appear on the program.

Response of James Bannon

MR. BANNON. Thank you, Commissioner, members of the Commission. I have prepared a brief response to Ms. Field's excellent synopsis. But I think I would like to try and focus on what this question here is all about.

It's been said by the two previous speakers that there are many, many variables involved—from the social, to the legal, to the cultural aspects. I think that I agree that systematic discrimination is well within the power of the Federal Commission to rectify. So many law enforcement agencies in this country depend upon the Federal purse for their very maintenance. I think that this Commission has within its power the ability to effect dramatically the livelihoods of those able to effect change that refuse to recognize that they have systematically discriminated against women as a class and recognize the female victim as a first-class victim.

The only criteria that law enforcement agencies use is prior sexual access. Once that definition has been determined to exist then from that moment forward the criminal justice system treats her as a second-class victim. She doesn't even have the rights, limited rights that a female victim would have ordinarily in any other assault case.

In nondomestic violence cases, she is accorded basically the same rights and privileges as any other victim of crime. She begins to experience all of the difficulties that will be identified for you by people better qualified to speak on them than I am.

I ask the Commission to recognize in their own focus, this systematic discrimination and to attempt to assist us with concern in the law enforcement field in cleaning up the criminal justice system acts as it approaches the battered wife.

I would make one further comment and that is in reference to the so-called Francine Hughes syndrome. I think that that is evidence that the Commission should listen or should entertain or should pay special attention to. The Francine Hughes defense, the expansion of the doctrine of self-defense in these cases in which the criminal justice system is equally culpable in the subsequent death, should be some of the clearest testimony the Commission can get as to the need for us to move in the area of criminal injustice. Thank you.

COMMISSIONER FREEMAN. Ms. Noffsinger.

Response of Georgene Noffsinger

MS. NOFFSINGER. Unlike my fellow panelist, my experience with the wife battering syndrome is not career related. Also unlike fellow panelist I have acted entirely as an advocate for battered women. I have acted occasionly as a representative and as spokeswomen for them also. I have not had to be judgmental about the situation at all, I have not had to weigh the individual cases. So you may –

COMMISSIONER FREEMAN. Can you speak a little closer to the mike.

MS. NOFFSINGER. Therefore, my attitude is likely to be a little bit different than some of the other panelist that you'll see in the next 2 days. However, I think that while I have not had to weigh the evidence, I have certainly seen the evidence, and the feeling that are produced in me are the same feelings of rage and sorrow that I am sure the rest of the panelist share with me, regardless of where and how they may have seen it.

I would like to point out that my experience and my point of view was created in one of the most affluent areas in the United States, that is, Montgomery County, Maryland, an area that I'm sure is familiar to all the Commissioners. The women with whom I have dealt were for the most part what you would classify as middle or upper class women. Ms. Fields' career brings her in contact with what we would probably describe as inner-city situations. She has a great many low-income, minority clients.

What I have seen is perhaps a very different end of the spectrum. But I don't want there to be any mistake. There is absolutely no difference. You can change the scenery, you can change the props, you can change the costume, and you can change the accents if you have to, but it is still the same ugly drama taking place in the $200,000 colonial house in Potomac as in Brooklyn or any place else. You must remember that a woman whose husband's income is perhaps $75,000 a year can be just as penniless and, therefore, just as powerless as a women whose husband is a day laborer. If they don't have money, they don't have the power. And it's characteristic of the syndrome that most of these women are usually kept penniless and powerless.

Ms. Fields' report is so excellent and so well documented that she leaves us very little to add. Also, there are a few points I feel I would like to stress and emphasize in light of my own experiences.

It was difficult to be selective, but this is one of the topics I wanted to mention. With regard to the police, it is obvious that more extensive training is required. They must be encouraged to make independent decisions and arrests, when appropriate. Their role is not to patchup the family; they are not to act as mediators. It's a little late for that. That's locking the barn door after the horse has been stolen. Unless the victim's injuries are so severe and obvious that the fuzzy line between simple and aggravated assault has been crossed (in the judgment of the police), the assailant is left with the victim.

Compare this to what happens to two strangers in a subway station. One is assaulted and robbed. The woman claims to be the victim, even though she can't prove it. At the least both are taken down to the police station to sort it out, but not in a case between husband and wife.

The changes that we have discussed in the police force will be useless unless they include a policy change from the top of the individual police force. It is one thing to have it on paper and have it in the manual to point to and say "there is what we are doing." But unless it is implemented and enforced and encouraged from the top of the police force down, it's useless.

Also at the point where the police have intervened and the abused wife decides she has had enough, whether temporarily or permanently, I find one of the biggest gaps in our testimony. Something must provide that immediate, perhaps brief breathing space that a wife has to have in order to gather her forces, gather her children, gather her clothes, and gather her wits, and perhaps recuperate physically.

The new Pennsylvania law seems superior to anything else that I am familiar with. But it still doesn't necessarily provide that essential breathing space. I would like to know how it is implemented and if it is implemented very often.

Again, an obvious subject is the basic necessity in any program to aid abused wives—shelters. We can't do without them and that's unfortunate. It's unfortunate because we are locking up the wrong person, as Ms. Fields just pointed out. The woman is taken off with her children and removed from everything that is familiar. She must function and cope from there with one of the worst situations possible. And she too often must remain until her home life can be rebuilt.

Federal funding is about the only way that a nationwide network of shelters can be established. They are needed in every community. You can't have one in the capital city and one in another city 200 miles away. It doesn't work that way. They have to be where the women can be closer to their homes, to the children's school, close to her lawyers, doctors, whatever. So you just can't have a token one here and there. We have seen too many tokens anyway.

Now, when it comes to funding shelters, from what I have learned of the programs across the country, if you have a choice between a group of private citizens, usually women helping women, and a proposed program with the local government, I'd say give your money to the private sector. You will get quicker and better service for your money. And I'm speaking as someone who has been affiliated with local government programming. I am not putting that particular program down, but I have seen the red tape and politicking.

Assuming that a battered wife is fortunate enough to have a shelter to go to, there are a great many problems that will arise when she is ready to leave. The first is housing. She needs priority in obtaining federally-funded, low cost housing. Also, short-term leases and small grants for simple furnishings and even clothing, all of which are lacking in most cases. Where does she go? In Montgomery County the number of available rental units fluctuates from 1 to 2 percent at all times. How many of those landlords do you think are willing to take a women living on welfare or living on minimal support from her husband, if indeed there was a unit she felt she could afford in the first place. A landlord is not too happy when she moves in with nothing but cardboard boxes and no furniture. Something must be allocated to help them.

Social workers complain about women not having even a bed. Having slept on a sofa for quite sometime, I know exactly what they mean. When the woman reaches this point and still can't find a way to set up her own home, her own safety, how many do you suppose go back to the abuse at this point? Just give up. They have come this far and can't go any further. How many do you suppose lose or give up their children, lose them in courts because they are not able to provide them with a satisfactory home. I think this is a deprivation of the worst kind. Thank you.

COMMISSIONER FREEMAN. Thank you. Judge Stout.

Response of Juanita Kidd Stout

JUDGE STOUT. Thank you, Commissioner Freeman. I should like to focus on two aspects of the problem. The first one is a legislative aspect. It seems to me that it really serves no useful purpose to blame police as much as you're blaming them. I am not excluding them from blame altogether, but it certainly serves no useful purpose to blame police for the policy of nonarrest when there are limitations imposed on their power and authority to arrest. I think it might serve us better if we review the various statutes throughout all 50 of the jurisdictions

40

under which most of the spouse abuse cases arise, see what those statutes say and what power and authorities they give the police, and approach a remedy from a legislative viewpoint.

For example, in Pennsylvania most of the battering situations arise under any one of four statutes: harassment, which is a summary offense; terroristic threats; simple assaults; or aggravated assaults. All of those are misdemeanors except for our aggravated assaults, one type of which is a misdemeanor and one type of which is a felony.

Now, let us just look briefly at that statute, for example. One section says a person is guilty of aggravated assault if he attempts to cause or intentionally or knowingly causes bodily injuries to another with a deadly weapon. And believe it or not, that is a misdemeanor. The other section says that it is a felony if one attempts to cause serious bodily injuries to another or causes such injury intentionally, knowingly or recklessly, under circumstances manifested extreme indifference to the value of human life. Now, that is a felony.

Would you believe that in 1975 one of our appellate courts had a case under that statute, and the seven judges split four to three. Four of them thought it came under one statute which made it a misdemeanor; three of them thought it came under another section which would have made it a felony.

Now, if the judges of Pennsylvania appellate courts, who are comfortably ensconced in their chambers with the aid of their law clerks who will help them determine whether it's a felony or a misdemeanor, can't agree, how do you think a policeman is going to determine it?

I think the first thing we should do is make a survey of the law in all 50 States, seek to have that law amended so that it will clearly define what conduct is prohibited and have all of the crimes of aggravated assault denominated as felonies. This would enable the police to make arrests even though they did not see the crime committed.

It might be helpful if we looked at the existing legislation which states that, if certain classes of people are assaulted, the crime is an aggravated assault. If you would look at the Illinois statute you will see that they have included everybody from teachers to drivers of buses, to employees of the State of Illinois. Well, certainly if those classes of persons are those who are entitled to special protection, wives or spouses are.

Another thing we might look at is the legislation which has quite recently been drafted in California, which I should like to recommend to you; it has to do with the forceful infliction of punishment upon a spouse. That legislation says any husband who willfully inflicts upon his wife forceful injury resulting in a traumatic condition is guilty of a felony.

COMMISSIONER FREEMAN. Judge Stout, do you have a copy of the legislation with you?

JUDGE STOUT. Yes, I do.

COMMISSIONER FREEMAN. Would you submit it please?

JUDGE STOUT. Be happy to. Yes, I shall.

Now a very interesting thing about that statute is that the penalty provided under that, originally, was for not more than 10 years. Well, would you believe they amended that statute?

They let the section stay, but they amended the penalties to exclude the 10 years. Now the penalty is just in the county jail for not more than 1 year. However, I believe it is a very workable statute and there have been cases decided under it which I have cited for your consideration. I would recommend that as something which might be useful for model legislation.

Now, moving on, I should like just in passing to say a word in the defense of district attorneys and judges. Just a word. I don't know about district attorneys in other jurisdictions but in Philadelphia, we have had a newly elected district attorney, Edward Randall. He has recently appointed an assistant who is just in charge of spouse abuse-matrimonial affairs division. Ms. Sharon K. Wallis, who I believe is here today, perhaps will be able to give you more information.

The only thing I have to say about judges is that we range all the way from horrible to excellent. While some of the horrible ones, I am sure, have done all the things that they have been accused of doing, I will assure you that many judges are most objective and sympathetic. Being judges of credibility, we do not always discount what the wife says.

For the last 5 years, I have sat in the homicide division and have tried nothing but the murder cases, therefore, I have seen my share of spouse murders—husband murders and wife murders. I think we should look very carefully at the defense of self-defense. While I do not have time to go into it in great detail, I think we should realize that in determining whether or not a defense of self-defense has prevailed, one must look at the fatal encounter, at the time and place of, and all the circumstances surrounding the fatal encounter.

Now, that is not to say that prior threats, prior situations where violence has occurred between the parties, and the victim's reputation for turbulance and violence are not important. They are extremely important. They are of evidentiary value and certainly they go to the question of who was the aggressor. Certainly they go to whether or not the slayer reasonably believed that she was in imminent danger of death or great bodily harm. And they go to the issue of whether the slayer reasonably believed in the necessity to kill in order to protect life.

I think it is absolutely essential that we understand that and not think that just because a wife has suffered many, many years of abuse that *one day she can just decide, well now I am going to get rid of him and* kill him. I will give you one example of that.

Commissioner Freeman. You will have to make it brief.

Judge Stout. Very brief. Extremely brief. This lady had been brutalized for years. She had suffered a beating on the fatal evening. However, the beating was over and she had cleaned her wounds and her husband had gone up stairs and had snored loudly for about 2 hours. Then she heated a huge pot of boiling water and she went up and gave him a fatal scalding. You may think he deserved it, but ladies, that is not self-defense.

Commissioner Freeman. We have had really some provocative positions. Before we have any interaction between the panelist and the presentors, I'd like to give the Commissioners an opportunity to ask questions.

Discussion

Commissioner Ruiz. I am an unbattered male. I have intervened in many family disputes. After learning today that one out of every five officers who have intervened in family disputes are killed, I am very fortunate to be here today. James Bannon, who has had prior law enforcement experience, Ms. Fields and Del Martin have set out a prima facia case of systematic discrimination by agencies against women. Then we hear of the prima facia case by Judge Stout defining self-defense and that often times there may be two sides to a question.

As I listened to what I consider to be a very depressing picture, I was wondering if any of the panelist or persons who have delivered a paper can give me an idea for the purposes of the record as to what percentages of marriages exist where there is no violent, brutal, wife beating husband. I wonder if there are such statistics.

Ms. Fields. I think not. There are estimates based upon recent studies. But I think we do not have the data to authenticate with any surety the number of marriages in which there is or is not violence. I think we focus, those of us who have been involved in the problem, on those women who are most seriously assaulted. I really leave out any consideration or discussion of any incidents primarily because my experience is only with serious cases.

New York is a fault only divorce jurisdiction and you cannot get divorced for incompatability. It must be a pattern of minor cruelty or a serious beating. And up until a year ago, we did not know how many beatings were necessary to get a divorce in New York because we had

43

a client who was denied a divorce after two beatings. Finally our court of appeals, which is our highest appellate court, said that one beating is enough.

So I focus entirely on those cases which are serious enough for the woman to be seeking help. If she does not seek help, then I do not think it is our business to be intervening, because she is a responsible adult. And it is up to her to decide how much violence she can tolerate. So that I oppose, by the way, mandatory reporting of wife beating. I think wife beating should be reported only when the victim, in fact, reports it.

COMMISSIONER RUIZ. I think we are all limited by our experiences. The judge mentioned the California statute. In California, as you know, once either party petitions for a divorce, there is no way to defend it. You can walk away from the marriage any time you want to without cause. And so we are going to have a lot of interesting information here. I hope these 2 days will reveal experiences in 48 or 49 or 50 different jurisdictions, so then we can make a proper recommendation.

MS. FIELDS. You might say California has humanized their process because the accusatory element is gone. But in many States where there is no- fault divorce as there is in California, the question of marital fault will be relevant to the issues of alimony and property distribution. So that it is not irrelevant in most States which have no-fault divorce. The need to prove fault on the part of the wife is the major concern in the husband's attempt to protect his financial interest, which is one of the reasons he denies the allegation that he was cruel. Serious wife beating of husbands is not too widespread because were it widespread, more men would be using it to defend against alimony. In fact, the usual allegation a husband makes is defending against the alimony request is that his wife is an adultress. So, I think husbands use what weapons they have. And if they had defenses of being seriously beaten by their wives, it would be in their pecuniary interest, as we say, to raise that issue in court and to present it in defense against the alimony request.

COMMISSIONER FREEMAN. Before we proceed to the next questions, I would like to invite Ms. Del Martin to return if she would and participate in the interaction.

COMMISSIONER FREEMAN. Mr. Saltzman?

COMMISSIONER SALTZMAN. Nothing. Thank you.

COMMISSIONER RUIZ. In California, the law requires the court to divide the community property in half, equally; no matter who is at fault, it has to be divided equally.

COMMISSIONER FREEMAN. Mr. Chairman.

Chairman Flemming. I am very interested in that suggestion. First of all, I think I ought to make it clear that this Commission by law is authorized to make findings and recommendations to the President and to the Congress. It is certainly very relevant for those who are here before us to identify situations where they think we can make findings and recommendations that would be helpful in dealing with this very serious issue.

In view of the fact that you do serve as the executive deputy police chief in Detroit, I assume that you're familiar with the Federal programs that help provide additional resources. I was wondering specifically what programs you had in mind that might be utilized in such a matter as to provide as a condition, adherence to certain standards on the part of the police department in dealing with this type of case.

Mr. Bannon. Mr. Chairman, I believe your prior question is critical in that area, the nonavailability of data on which to even estimate the size of the problem is resolveable at the Federal level, in requiring each jurisdiction to keep accurate records and make them available to the Commission and to other agencies of the level of crimes being committed. It's interesting that -

Chairman Flemming. May I interrupt here and ask how far you would go in requiring the keeping of records? That issue has been discussed already at this point. And I gather that there are some differences of opinion as to just how detailed the records should be.

Mr. Bannon. I think Ms. Fields was saying that she was opposed to the forced reporting of the crime if the complainant did not want to make allegations of the crime. So there she and I may differ on that.

But I think that's a different issue than merely reporting the crime, reporting it to the FBI at the time and investigating it as a crime. In each of the cases in which the police department can be proven indifferent, the question is, has a crime been committed? There are certain responsibilities that agencies have when a crime is committed by law. When police fail in those responsibilities, I think it can be demonstrated that the reason for that failure was because the victim in this particular case was a disenfranchised female. Then I think it's a clear case of discrimination. And I think the Commission has lawful expectations that those people should be protected by agencies.

And I think, Mr. Chairman, if you would excuse me, we are not talking about a lower class phenomena. I can go out into this audience or any group of people within this country anywhere and everyone there in that group will know a battered wife or will relate to one or will be one. It's been a social taboo to discuss it, but it's there and everyone knows it's there.

CHAIRMAN FLEMMING. Your summation as far as the selection of data is concerned is consistent with the position that the Commission has taken in various civil rights areas, namely, that a responsible body should be required to gather data. Now, being specific, would you suggest the possibility, for example, of a condition for receiving Law Enforcement Assistance funds from the Department of Justice be that the police departments agree to keep data along this line?

MR. BANNON. Absolutely.

CHAIRMAN FLEMMING. I would be willing to carry it further. Your idea that in addition to that, as a condition to receive Federal funding, let's say Law Enforcement Assistance funds, that the police department agree to establish certain standards in this particular area.

MR. BANNON. Absolutely. That was exactly my position. There are certain minimal requirements of police agencies that must be met. The basic ones are policy changes, with regard to these crimes, are treated like any other stranger-stranger crime. That is a policy statement the police department must make.

The second is the police must accumulate the data on those incidents and make it available to other agencies, public and private.

Thirdly, they must train police officers to successfully intervene in these cases. I don't mean they are to deliver therapy. But there are ways to diffuse sensitively ongoing violent situations.

We must support legislation at the State level which does, as the judge pointed out, give us that training. And I hope that was not a Pennsylvania accent when she said "mister meanor" rather than misdemeanor. It's a misdemeanor for a man to beat up a woman in Pennsylvania. We have responsive legislation in the State of Michigan making all domestic violence cases illegal that occur within the home or in an office where you can't make an arrest. We have sponsored legislation or assisted in drafting legislation that gives some criminal sanctions to the civil restraining orders. We have assisted with legislation in which under the State certification for police officer law statute, we must have all police officers in the State of Michigan trained in the social conflict intervention.

CHAIRMAN FLEMMING. I am very much interested in Judge Stout's discussion of California law and in her suggestion that this might very well be considered as possible uniform law. And I would like to ask the question of any member of the panel as to whether or not any work has been done on a uniform State law in this particular area. We all know, of course, that there is the commission that does work on uniform State laws, and I am wondering whether or not they have done any work in this particular area.

MS. FIELDS. None that I have found. The problem with the California law—and that was discussed by Elizabeth Truninger —

because it makes conduct that would be a misdemeanor where it's conducted by a stranger against a stranger into a felony, the police are reluctant to arrest. And the prosecutors are reluctant to try such cases because it is a lower standard of culpability, receiving higher standards of penalties. Perhaps a middle ground might be along the lines of what Chief Bannon has suggested, which would be change the standard for arrest while not changing the penalties so a police officer—would never be present at a wife beating case, because we know that it occurs at night when there is no one else in the home but husband and wife—would be able to arrest in that situation although it were a misdemeanor assault.

I have problems with the civil rights and civil liberty point of view which state that it makes special categories of victims. The State of New York, by the way, has arrest for misdemeanor not committed in the presence of police officers and has always had this. And the standards for arrest is the same for a misdemeanor as a felony. The police officer does not have to witness it to make an arrest. I just wanted to explain my disagreement with the registered theory.

CHAIRMAN FLEMMING. Just before you do that, may I just ask you and the other members of the panel a question. I am very much impressed with Judge Stout's observation. You have to consider the State law that the prosecuting attorney is called upon to enforce. The judge is called upon to set forth the policy growing out of the State law that the police officer is supposed to work under.

Do you feel that there is something that could be done in the direction of getting an agreement on a uniform State law and then advocating the adoption of that law before the various State legislatures? It seems to me that this is an area, as somebody pointed out, I think maybe it was Ms. Martin, where we are really in need of advocacy. Advocates have to have some material that they can use from time to time. The State law is very important here, and conceivably a group of persons could agree on a uniform State law for this particular area, and that could then be the basis for advocacy.

COMMISSIONER FREEMAN. I'd like to give you a second dimension of that. Going back to Ms. Martin's statement that the criminal justice system is male oriented, it has been my experience as an attorney that the American jurisprudence is male oriented.

It's up to the legislature, and I am not taking that away from the legislature. We are talking about a legislature that is also male oriented. What I would like to ask you, each of you to respond to, including Mr. Bannon, is the way the composition of the systems, that the result is reflected on how new they are.

JUDGE STOUT. I am not so sure that it is reflected by the sex of the person who is there as it is the attitude of the person. There are many men who are not the type who would judge all issues of credibility against the women. There are many men who would be favorable to legislation, as Ms. Fields suggested, which would allow the arrest for misdemeanors. So I don't think the gender of the person has that much to do with it. I think it behooves us to go to the ballot box and put people in who have the proper attitude, regardless of their sex.

COMMISSIONER FREEMAN. Is that true of the police department?

MR. BANNON. My experience with the criminal justice system is that the female within it are as chauvinistic as the male, they are socialized to be miniature males. Female police do not put in new softer aspects or means to law enforcement. They bring in more masculine impression of themselves to law enforcements. And to that extent I think that I have to say that it is a male-oriented system even over the male, female within the system.

MS. FIELDS. As an attorney practicing before men and women judges in the family court and in the supreme court in the State of New York, I can say that most of the time I prefer to be before a man who perhaps might be a little bit patronizing towards my woman client because he may feel sorry for her and may help us.

When I appear before women judges I find—and there are exceptions, there are some very fine women judges—but there are women judges who are antagonistic towards the female victim because, you see, its a chink in her armor. Its kind of embarrassing when you see one of your own kind as a victim. She should and has the responsibility, I find from the judge's attitudes, to help herself. "Why does she not leave him? Why doesn't she take care of herself? I have always taken care of myself. I am sitting here on the bench." This is an unfortunately negative perception. I state that in my paper.

Its a negative perception of women by both men and women that we confront, and it is attitude which is our major obstacle.

CHAIRMAN FLEMMING. Could I return now to the question of the desirability of working toward the objective of uniform State law in this particular area?

MS. FIELDS. Uniform reporting, when a women calls the police, there is no problem because she has requested help. The registry that I oppose is the kind of registry in child abuse cases, where the physician's reports assumed child abuse. I wouldn't want the physician violating his adult woman patient's privilege of confidentiality when reporting abuse.

There is a need for uniform State law in the whole family law area. You have such an incredible hodgepodge that in going from county to county within the same State creates enormous problems for the family law practitioners—that in one county of New York we need no complaining witnesses other than the wife and no corroboration. In another county we need no testimony, its all on papers presented to the court and filed. And yet, going upstate we find that we might as well be conducting a full scale trial with the witnesses, process servers and the like, even though testifying in a undefended matrimony. So that need for uniform laws in the family law area is one of most important problems we face.

In child support, child custody, we are just now beginning to see the Uniform Child Custody Jurisdiction Act expanding beyond the original five jurisdictions that have had it. This is very important because we found a syndrome of one parent seizing the children, running to what might be a favorable jurisdiction, and then suing to change the prior custody determination, making children into pieces of furniture to be torn back and forth. So in the whole area, not just arrest and family violence cases, but divorce, paternity and support, we must have uniform laws and uniform guidelines so that there is a standard among the States.

CHAIRMAN FLEMMING. Any members of the panel want to comment on that? There is one other question I would like to raise. A good deal of emphasis has been placed on the need for shelters. I think most of the members of the panel are very unhappy that there is a need for shelters, but nevertheless, recognize that this need exists. The suggestion has been made that there should be Federal funding for these shelters.

A question I'd like to ask is whether or not growing out of your experience, you ever had any situation where Federal funding has been provided for this particular purpose. And if not, just what form do you think that this kind of Federal assistance might take? Do you feel that what is needed is specific legislation, categorical legislation dealing with this particular situation and authorizing appropriation of funds for this particular purpose? I am interested in what experience you may have because we are a Federal agency, and it is certainly very important to raise the issue of the desireability of the Federal Government recognizing this need and trying to do something about it.

JUDGE STOUT. I would say yes, there is certainly a great need for shelters, and there are certainly needs for funds. Since we know what the situation about funding is in most States, I suppose that we would be better advised to ask the Federal Government to support this effort.

COMMISSIONER RUIZ. What Federal agencies would be appropriate agencies for this funding? There is no one item we more or less settled upon as I understood the testimony originally brought up by Ms. Noffsinger. She submitted that there had to be policy changes by heads of law enforcement agencies, so we immediately include the Law Enforcement Assistance Administration as a possible Federal source.

That agency has already contributed, I understand, about $8 million for the purposes of assisting officers in techniques in relation to these types of disputes. Now getting over to the Federal funding for shelters, I would assume that would be HEW.

CHAIRMAN FLEMMING. Yes, sir.

COMMISSIONER RUIZ. And then the situation brought out by Ms. Fields with respect to a search of a favorable forum to litigate your particular thing that would be legislative. And that would be under the Federal-State conferences with respect to uniform laws.

MS. FIELDS. I am afraid it would have to be the State.

COMMISSIONER RUIZ. That would have to be it, yes.

CHAIRMAN FLEMMING. I am interested in whether or not anyone has had any experience with Federal funding being used to get a shelter program underway.

MS. MARTIN. As I understand it, LEAA has provided funds for about four shelters, for about four project demonstrations. When you consider that we need a shelter in every county, funding is a monumental problem. In California we tried very hard to educate our legislators about the need for minigrants for many shelters rather than full funding for a few. They appropriated only $280,000 for shelters in California. What I tried to get across, and other women did too, is the fact that even as small an amount as $10,000 would get a shelter off the ground. Once a shelter is established, then the community responds. But as long as we're talking about some nebulous thing—an abstract concept—nobody gets in and supports it.

If we are talking about a need for shelters in every county, the money will have to come from city or county government and private local sources for stableness. The Federal Government can help to get some of these programs off the ground and provide some supplemental funding for existing programs, at least some minimal funding for lots of areas instead of only four.

CHAIRMAN FLEMMING. References were made to the problems that exist after women are in the shelters. The time come for a women to move out of the shelter—problems that confront her in housing as well as in other areas. Have any of you had any experience with trying to utilize or trying to obtain funding to help women who are in that particular situation? Has it been possible to use any of the funds under Title XX of the Social Security Act for that particular purpose, or have you discovered that that just can't be done? Have you concluded that there is no way of getting help for persons who need that help?

MS. MARTIN. Well, I know there is a shelter San Francisco who tried to get some money for employment programs, training, and jobs for women. They did not get that money. There are certain needs for those kinds of programs, like the Homemakers Act. And they can very well be tied in with the shelters.

COMMISSIONER RUIZ. May I suggest something, Mr. Chairman. I am sorry, Ms. Noffsinger.

MS. NOFFSINGER. I sat for 4 years and listened to the planning and so on that went into establishing a shelter. Let's say in 1974, LEAA was already drawing up its 1977 budget. It was not going to do us much good in 1974 to try to open in '75 with a budget that we couldn't get until '77.

Another problem, and I suppose I am not going to get many tears with this, has been Montgomery County's feeling that they couldn't get money from anyone because everyone was convinced it was such an affluent county that we didn't need it. Unfortunately, that is not the case. We have a shelter now that consists of rented rooms in a hotel because Montgomery County cannot afford a building in which to put the shelter.

I would merely state that they have examined every known resource of Federal funding and found nothing. Also, as far as the housing situation goes, if you're thinking of tying it into welfare-type payment, what is needed is a lump sum grant rather than monthly stipends.

MS. FIELDS. The Title XX provisions are used in some localities to provide emergency welfare benefits and to reimburse the shelters for keeping the women in the shelter under protective care for adults. However, it varies with the interpretation by local commissioners. This is why we need uniform regulation to expressly provide that battered wives are to be accorded the same kind of emergency care and assistance as now accorded to those whose homes have burned down. That is the only category in which you really get emergency assistance.

The other problem we have found is that the Section 8 housing programs for those of low income, providing supplements to live in middle-income housing, give priorities to families. Women-headed households are not regarded as viable family units for this type of program. This is a local type of interpretation clearly not in the statute and can be repaired by regulation. The same thing with emergency lump sum grants. All of these things can be changed through regulation.

CHAIRMAN FLEMMING. I appreciate that Title XX practices can be corrected in part by the Governor of the State. He has control of how the funds allocated to his State are to be used.

MS. FIELDS. To the extent that HEW promulgates certain kinds of uniform rules that condition receipt by the State, perhaps an advisory impact could be obtained.

COMMISSIONER FREEMAN. And Title 8 can be effected by the Secretary of HUD.

COMMISSIONER RUIZ. To follow up, in a State law where you could advocate Federal civil rights violations whereby this whole issue could be defined as discrimination, and a recommendation that the current Federal law concerning civil rights violation be included in State legislation or proceedings.

MS. FIELDS. The difficulty is the separation of powers between the Federal and State government under the Constitution. The Constitution gives the States absolute and complete control of marriage and divorce and criminal laws. So that we really must, I think, be relegated to convincing State legislatures that they should adopt a uniform law. It was easy when it came to commercial transacting. The Uniform Commercial Code caught on like wildfire. The Uniform Paternity Act or the Uniform Marriage and Divorce Law languish on the desks of the uniform commissioners for want of a decent home. I think what we have to do is perhaps focus the attention of civil rights lawyers on the area of family law.

I have always felt a bit of apathy when I discuss civil rights and marriage and divorce in the same breath. This is the first time I have ever felt at home with this unusual notion of mine that marriage and divorce affect the basic civil rights and civil liberties of a human being. I even suggested in my paper that the right to counsel in divorce litigation is mandated under the United States Supreme Court decision in *Boddie versus Connecticut*. However, the New York Court of Appeals rejected this idea when we took the case there 2 years ago. I think right to counsel is imperative in this situation. Women appear before the family courts in New York without representation. The husband has a right to counsel because of the possibility of being held in contempt should he consequently violate the restraining order not to strike his wife. If the wife is without counsel, there is no prosecutor in these cases. The State is not a party. Women without representation get no relief at all, even though the laws are flexible, humane, and creative. It is not enough to put statutes on the books without making a remedy viable by providing counsel.

MS. NOFFSINGER. You can see me jumping out of my seat over here. I wanted to amend what Ms. Fields said about the right to counsel —it should be the right to competent counsel. This is related to Federal funding. Would you be surprised to know that recent graduates of Georgetown University and George Washington Law School frequently have only 2 hours of domestic law, and those are elective courses? These schools receive Federal funds.

MS. FIELDS. I don't think that's fair. I have never taken any courses in domestic relations.

Ms. Noffsinger. That is right. And you have had to learn by doing it, have you not?

Ms. Fields. I think by practicing law, much of what you get in the courses, in the classrooms is irrelevant to the practice of law. It's the clinical work that's needed. That's what makes a lawyer, what gives the experience. The classroom itself is not the key. The key, I think, becomes mandating perhaps clinical law school education. Doctors have internships. Lawyers have nothing of the kind. That is what we need.

There is no right to competent counsel in civil litigation. That is unfortunate and not even an appealable issue. If a lawyer in the civil case is incompetent and that's why you lost, that is not error for appeal.

Ms. Noffsinger. Not only that, but the more competent the counsel, usually the higher the cost of the counsel. A friend of mine suggested that she thought divorce cases should be conducted like political campaigns, in that is each side is limited to spending the same amount of money.

Judge Stout. I just wanted to say that in Philadelphia the woman is always represented by someone from the district attorney's office in the support cases.

Ms. Fields. Pennsylvania has no alimony rights.

Judge Stout. Pennsylvania has no alimony. But this is support during the existence of the marriage.

Chairman Flemming. Legal Services Corporation comes into these cases in a significant way.

Judge Stout. Yes. Community legal services has begun to provide much of counsel in Philadelphia in divorce matters and other property settlement-type cases, that sort of thing.

Ms. Fields. In Philadelphia, the Legal Services Corporation has established a family law unit. It just got under way and it has a staff of 25. But the nationwide Legal Services Corporation has neglected family law woefully. The reality is that there are many Legal Services attorneys who are conducting undefended matrimonals, which are primarily paperwork completed by the paralegal staff in the office; a pro forma hearing in less than 5 minutes. And then you get an undefended divorce.

When it comes to the problem of battered wives, the Corporation is unwilling and unable I think at this time to meet the problem. Battered wife cases cannot go on the waiting list of 1,500 women needing abandonment divorces. They must be given immediate priority. Some Legal Services lawyers say that they do not see battered wives. I say that's because battered wives cannot wait 8 months to see a lawyer.

The reality is that only in a few instances when private foundation funding was obtained: Poughkeepsie, New York, where CETA money was used, and Chicago where the Chicago Foundation funded a Battered Women's Law Project, do we have such programs. In New York City the Litigation Coalition for Battered Women is an ad hoc group of Legal Services attorneys who have had to fight every step of the way to have the right to continue the work they do for battered wives. They are criticized for not doing their fair share of landlord and tenant cases. They are criticized for not doing there fair share of welfare advocacy cases.

I maintain that anyone of us who have represented battered wives spend far too much time in welfare advocacy cases because it is necessary to keep our clients alive. The Legal Services Corporation should be pressured to create family law units and battered wife projects. This is a complaint made by groups all across the country.

At the White House conference last August, women repeatedly complained of the unavailability of Legal Services lawyers. They are determined ineligible by the income of their husbands even though the wives have no access to that income until maybe 2 years of litigation. In New York we have a bill pending in the legislature, and it has not gotten anywhere in the last 2 years. I do not know if it will this year. But it says that if a women needs counsel and the husband has money to retain his own counsel, then the wife's counsel shall be compensated to the same degree as the husband's counsel. Unfortunately, legislators don't particularly like that bill. Lawyers don't like it either. But it does meet the needs that Ms. Noffsinger addressed, in that husbands can afford to retain very expensive counsel, and wives do not have the money and are relegated to whatever is available. If the lawyer knew that he or she will be compensated the same as the husband's lawyer, many more lawyers would be willing to take difficult cases in which the husbands have very active counsel.

COMMISSIONER RUIZ. There is such legislation in California where husbands have to pay the counsel fees for their wives. And judges ordinarily say that wives are entitled to the same amount of money the husbands have paid to their lawyer. That's on the books.

COMMISSIONER FREEMAN. Ms. Bonosaro?

Commissioner Saltzman?

COMMISSIONER SALTZMAN. Ms. Martin has come back. I did want to raise the issue with you. I think you spoke to the inevitability of the conflict between the male and the female. What might, in your view, change that inevitability, or alter that condition, in your estimation?

MS. MARTIN. I was trying to indicate that the institution of marriage is based upon a husband-over-wife power relationship, and that I believe we have to develop equality both economically and socially for the woman. We have to look at the marriage as a legal, equal partnership.

The way the law is and the way institutions are set up now, the husband is head of household and boss of the family. If things don't go his way, he feels justified in punishing his wife. We have to look at marriage in a whole different light as a partnership.

COMMISSIONER SALTZMAN. Are you precluding wife beating taking place when the women do have economic resources independent of a husband? That is it the economic factor principally which determines whether or not there is an egalitarian relationship.

MS. MARTIN. There are instances where women are earning money and are still beaten. But I am also trying to bring out how women are trained to dependency. She may be doing fine out in the world, but when she goes back into that home she goes back into that unequal relationship that she has been psychologically socialized for. We really have to examine all of our institutions and to change the attitudes toward women and the roles they are expected to play.

COMMISSIONER SALTZMAN. Have you examined what you might consider healthy marital relationships, successful male, female situations and what factors make for successful, healthy, tranquil relationships in marriage?

MS. MARTIN. I am sure that such marriages do occur. But what we are dealing with here is the problem of violence. And that's what I am focusing in on.

COMMISSIONER SALTZMAN. Thank you.

COMMISSIONER FREEMAN. Chief Bannon, do you have any additional comments to make?

MR. BANNON. No. Just in response to Staff Director's observation, his comments on additional civil rights law, it would be my interpretation that the law as it stands makes it illegal to discriminate against one based on one's sex. And it clearly needs no further elaboration on it.

MS. MARTIN. Then why do we need the equal rights amendment?

MR. BANNON. I am not sure I see the relationship between the question asked and what I am trying to respond to.

MS. FIELDS. Oh, there is. There is a case pending in California which is a civil rights action against the Oakland police, which Ms. Martin referred to. And in that case, there was a recent motion to dismiss and for the summary judgment which was denied by the trial court and more discovery has been ordered.

The case pending in New York City which is *Bruno v. Codd,* is not a Federal civil rights action. It was brought under State law on alleged violations of State statute, which require police officers to do their duty, which is to arrest when there is a probable cause for arrest and enforce the order for protection or restraining order.

These are two possible actions, one being like State mandamus and the other being Federal civil rights. The New York City has also just recently overcome a motion to dismiss and is in the discovery process.

Mr. Bannon. Can I add that I don't think they are in the same position. It is my understanding that the dispute was settled out of court based on the group of lawyers who filed that action coming up with proposals on how they shall address the problem in the future.

Ms. Fields. That's terrific. That's what happened in a civil rights action in Cleveland brought against the prosecutor. And that case was settled out of court 2 years ago by the Cleveland prosecutor. They agreed that they would inform the police department of their change in policy and request investigation to facilitate these prosecutions.

In New York City there is appeal pending. The police have appealed the decision denying their motion to dismiss and for summary judgment, as having the family court clerks and family court probation service. But the appeals are not perfected.

Ms. Martin. I'd like to add that while the negotiations are going on with the Oakland Police Department about rewriting their guidelines, the Berkley Police Department, in a neighboring town, is joining in because they don't want to have a suit brought against them.

Mr. Bannon. I think it's clear from what I said earlier that they can't afford to. I believe that within 45 days after an action is filed then the individual agency has to show cause why they shouldn't cease and desist in getting any additional Federal funding. I think that is why they recommended that this approach be forced upon agencies whether it be either police, prosecutors, or courts.

Commissioner Freeman. Does anyone want to add a last word? We have listened to two excellent papers this morning. And the panel reactions have really made a significant contribution to this. We will now recess for lunch. But before we do that, I'd like to ask our Director of Women Rights Program, Ms. Carol Bonosaro to make a couple of announcements.

[Announcements were made and luncheon recess was taken.]

AFTERNOON SESSION

Chairman Flemming. I will ask that the consultation come to order. My colleague, Commissioner Saltzman, will be presiding over this afternoon session, and introduce those who are to make the presentations and those who are to respond.

COMMISSIONER SALTZMAN. Thank you, Mr. Chairman. This section of the consultation is listed on Police and Family Violence, Practice and Policy papers will be presented by Morton Bard and the Honorable Golden Johnson. May I ask that as I read the biographical data, that they come forward and take their places at the table.

Doctor Morton Bard, professional psychologist at the graduate school of City University of New York City and director of the Center for Social Research. Dr. Bard is a Professional Psychologist Fellow. He is a member of the American Psychological Association and of the International Council of Psychology. He served on the Council of Representatives for the American Psychological Association and is presently a member of the New York State Board for Psychology.

In 1975 Professor Bard received an award from the American Society for Public Administration in recognition of significant contributions in the advancement and professional development on criminal justice administration. We are delighted to have you, Professor Bard.

The Honorable Golden Johnson has a long list of civic, educational, and professional credits and is presently judge of the Newark Municipal Court; member of the Newark, New Jersey, Bar Association, Essex Bar Association; member of the Boards of Government Executive Committee of the National Bar Association; vice president and current board member of the Women International Board; member of the Board of Trustees of New Jersey State Opera; general attorney for the New Jersey State Young Democrats, and member of their State executive committee; former chairperson and current chairperson of the Newark Essex County Legal Services in law reform. The list of credits continue; I will not read all of her credits, but she is a distinguished attorney and servant of her community and Nation.

The third paper will be presented by Anna Laszlo. May I just indicate that the Honorable Golden Johnson's paper will be Statutory Reform, The Answer to a Battered Woman's Prayer? Anna Laszlo will be speaking to the court version of the spouse abuse case. The last one is on the Minority Commission on the Status of Women. She has been on the Task Force of Women's Rape since 1975 and on the Task Force of Battered Women since 1977. She is, in terms of her professional experience, chief victim specialist, Suffolk County District Attorney's Office, Boston, Massachusetts, and coordinator of the federally-funded witness program since October of 1975. Codirector of Criminal Consultants, Incorporated, a private, nonprofit corporation which provides consultation, program development, and training to interdisciplinary agencies. She, too, has a long list of credits in relationship to teaching experience, academic conferences, invitational conferences, consultations, public lectures, and media appearances on national television.

I'm going to ask the panelist now to come forward. First panelist is Yolanda Bako. Her current emloyment is as coordinator for the Women Survival; her shelter a residence for battered women. Her professional affiliations are as follows: Founding member and currently on the executive committee of the Mayor's Task Force on Rape in New York; coordinator of Rape Prevention Committee, a national organization for women in New York; founding member and currently elected to the steering committee of the New York Coalition for Battered Women of the American Friends Service Committee. She, too, has a great deal of experience as a legislative participant in relationship to previous employment. Is Yolanda Bako here please? I assume she will be here shortly.

Charles Schudson. Charles D. Schudson is currently assistant State district attorney in the Office of the District Attorney of Milwaukee County, Wisconsin. He has the responsibility for the prosecution from October 1975 to August of 1976. He was coordinator for the Milwaukee's D.A.'s Battered Women's Project. He is author of the book, *Needs of Battered Women,* received special attention from Milwaukee's D.A.'s office. Mr. Schudson, in addition to his position as assistant district attorney, has served as Special Assistant United States Attorney since March 1977.

Darrel W. Stephens. Darrel Stephens is presently employed by the Lawrence, Kansas, Police Department, and assistant police chief of the Lawrence Police Department. His duties include direct responsibility of the operation division and administration supervision of all departmental elements. He has received the Kansas City Police Department Badge in appreciation for outstanding service, an outstanding service award from the National Institution of Law Enforcement and Criminal Justice, the Northeast Industrial Award for the distinguished and dedicated respect for law objectives of Optimistic International, and he has 12 letters of accommodation from the Kansas City Police Department. Again, he has been a lecturer and consultant on any number of occasions and published a number of articles in his area of professional expertise.

Deborah Harris, is a staff attorney at Community Legal Services, Incorporated, Philadelphia, Pennsylvania, which provides free legal services in civil matters to people with low income. She has represented numerous battered women in actions under the Pennsylvania Protection from Abuse. Ms. Harris is vice president of the board of Women Against Abuse, a shelter and counseling service for victims of domestic violence.

Welcome. We now begin with the presentation of Dr. Morton Bard, Police Practice and Policies.

The Police and Family Violence: Practice and Policy

Presentation of Morton Bard

DR. BARD. Thank you, Commissioners. My research with the police began in the mid-60s, when I conceived a demonstration study to determine the feasibility of improving police effectiveness in dealing with the perennially common and vexing problem of family disturbance. For as long as there have been police, officers have been called upon to intervene in these most volatile of human conflicts. And there were impressive statistics that despite the fact that the police typically disowned this distasteful function, it was among the most frequent and dangerous of their tasks. In fact, about 22 percent of police deaths occurred while intervening as a third party in disputes often between family members. About 40 percent of police injuries occurred in the same way.

As for the public, there was evidence that homicide and assault were related to intimacy. Family members and friends were responsible for from 50 to 80 percent of homicide victims, depending upon the geographic location. Typically, family disputes were "resolved" by the temporary expedient of an arrest, often an empty gesture.

In conceiving the project, I hypothesized that a planned association between psychologists and police officers would result in a mix of insight and skill that would have some ameliorative effect on the problem. If nothing else, interpersonal skill and competence specific to conflict-management might reduce injuries and deaths to both officers and citizens. In addition, there was hope that police could serve an early warning or casefinding function as a preventive mental health measure, a concept just gaining currency at the time.

This afternoon, I'll be discussing current police practices in relation to family violence. I want to emphasize, however, that my remarks will not be directed toward spouse abuse in general, but rather to family violence which comes to police attention. To my knowledge, there is not as of yet, any definitive data describing similarities and differences between families who call the police and those who don't.

There are two ways of viewing the role of the police in relation to domestic disturbances: They can be seen as "enforcers of the law" or they can be seen as "managers of human crisis and conflict." If we take the first point of view, the objective of police intervention in a family dispute is simple and clear: to determine whether a law has been broken. If so, arrest and prosecute; if not, do nothing. Although this role definition certainly simplifies things for the officer, it does very little to help the majority of families who call the police.

It is my impression that in most instances disputing parties do not wish to have a criminal sanction applied, such as arrest; rather, the disputants want the police to "do something," however ill-defined that something may be.

While a serious dispute may itself constitute a crisis, often it is an expression of a deeper crisis in the life of a family. If police officers are prepared to deal with family conflicts swiftly and skillfully, then they are in an excellent position to make discriminations that can lead to more competent management of the dispute and ultimately to a constructive outcome.

In general, traditional police practice in relation to family disputes tend to be ineffective for two reasons. One, it rarely prevents future violence. Two, it fails to realize the constructive potential inherent in skillful management of family disputes. Despite the emphasis during the past decade on improving police intervention techniques, progress toward these ends has been painfully slow. The police system has been impeded in achieving change, not only by its traditional self-image as law enforcer, but also by the failure of society to appreciate fully the extent to which the police are called upon to deal with everyday crisis and conflict. With perceptions of police role shaped by the fantasies of television producers, the public remains woefully ignorant of the reality and potential of skillful and competent police performance. Hence, there is no public pressure for competent performance or for the expenditure of fiscal resources in the direction of improving the police capabilities, or indeed, in developing the resource network to which police could make referral for more long term assistance to disturbed families. What I'm saying here is that a society cannot be accused of being irresponsible if it is kept ignorant of realities, and for that reason does not support needed services.

Although most people agree that there is room for improvement in police handling of family disputes, there is a disagreement on how to achieve it. Some contend that the best way to protect the rights of battered women is to limit the discretionary authority of individual officers and to emphasize formal legal remedies in all family offense cases. Others have argued that the administrative flexibility inherent in police discretion is necessary for the protection of the individual rights of all. Rather than limit it then, they seek to improve the exercise of police discretion. There is a cautionary note that should be introduced at this point. Not all police-managed family disturbances involve physical violence. Indeed, our data indicate that there is no assaultiveness of any kind in between 56 and 71 percent of all family dispute cases which come to police attention. Clearly, family disturbances that involve assault may require different remedies from those that do not. It would be unfortunate if in our zeal to correct the problems associated with the battered woman, we ignored the needs of a larger segment of the population who ask that the police "do something" when family conflicts reach an impasse.

Because we think that the kind of policy reforms undertaken to improve police practice is the essential issue here today, we would like to devote most of our time to analyzing and discussing the opposing arguments for reform.

One reform position maintains that the rights of battered women are best protected by designing a formula to ensure that all family offense complainants are facilitated in seeking a judicial or legal remedy. This is a course that essentially blames police for their failures, and in effect, punishes them for bad performance by severely limiting their discretionary authority. Not only is this kind of attribution morally tinged, but it also assumes that practitioner competence cannot be improved. We believe there is ample evidence to the contrary in police experimentation with family crisis intervention training.

The opposing position contends that improving police skills and knowledge will best ensure the rights of battered women. From this perspective, the definition of "rights" consists not simply of legal access, but of achieving a functional match between a given woman's situation and the helping resources made available by society. To be sure, in practice, this would sometimes consist of arrest and the application of legal sanctions. At other times, however, it would consist of different remedies. Advocates of this position maintain that with situations as complex as most family disputes are, only through the exercise of administrative discretion and not through the uncritical application of laws and procedures will the rights of citizens be preserved.

Yet, in dealing with family disputes, the tendency has always been to oversimplify. As the character of this consultation attests, spouse abuse is a problem which is complicated, resistant to solution, and very frustrating to practitioners attempting a constructive outcome. It is frustration in addition to the traditional self-image of law enforcement that accounts for the arrest dilemma. Many police officers long for the very thing that I have heard recommended here today. They long for the simple solution that arrest offers. Because of their action orientation and their tolerance for delay in "doing something," the intangible quality of negotiation or mediation can be disturbing to some of them. These officers prefer simple and direct action in dealing with what they perceive to be misconduct and injustice, whether or not this is factually the case. For such officers, resorting to the law has simple, direct action imperatives which they see as getting them out of the "social work business."

We know, however, from the relative infrequency of law breaking in family dispute calls that arrest-or-nothing-at-all is not a satisfactory response to the needs of families who call for police assistance. More often than not it initiates a judicial process which, experience tells us, has little chance of a productive outcome. When a family dispute is referred to court, it may be days or weeks before any action is taken—ample time for fights either to escalate or to be forgotten. Moreover, orders of protection, peace bonds, and other criminal sanctions offer little real protection, and offer even less in meeting the needs of spouses in conflict.

Tragedies can flow from traditionally bound police practices, as Stephens pointed out in reporting the study of serious assaults and homicides within families in Kansas City. In 85 percent of the cases, police had responded to a disturbance call at the victim's and/or suspect's address at least once in the prior 2 years. In 49.7 percent of the cases they had visited five or more times. These data suggest support for our finding that the most reliable predictor of future family violence is a history of violence. This insight dramatically attests to the tragic consequences of the police system's inability to assume an aggressively preventive role in human conflicts.

Strange as it may seem, we believe that the proponents of limiting police discretion, like traditionally oriented police officers, also crave the simple, direct, and uncomplicated solution as the recent experience in New York City demonstates.

In December 1976, an action was brought in supreme court, county of New York, on behalf of a number of battered women against the New York City Police Department and the probation department of the family court. It was claimed, among other things, that the police had failed to provide service to battered women by not arresting husbands who had allegedly assaulted the plaintiffs.

Effective September 1, 1977, a few months ago, the Family Court Act was amended to give concurrent jurisdiction in cases of family violence to the family court, whose aim is to keep families intact, and the criminal court, whose purpose is to punish offenders. According to the law, a police officer is responsible for informing a complainant bringing a proceeding under this section of the legal procedures available. In addition, the law states that police or other designated authorities may not "discourage or prevent any person who wishes to file a petition or sign a complaint under this article from having access to any court."

In response to demands of the suit and changes in the law, the New York City Police Department has changed its procedures. Family offenses are now defined as "disorderly conduct (including acts committed in private places), harassment, menacing, reckless endangerment, an assault or attempted assault between spouses, parent and child, or member of the same family or household." When responding to family offenses, officers must read a five-paragraph description of legal options. They must record in their activity logs that they have done so. They must inform the complainant that he or she may receive further counseling at the police station. It is unclear in the order whether such counseling is confined to questions of law or intended to be broader in scope.

In addition to affecting people's lives, these developments in New York may serve to establish important precedents in law and police policy. It is, therefore, essential that we consider carefully the possible consequences.

One, the changes in New York law and police department policy firmly reassert the importance of the arrest option and the pursuit of criminal prosecution in cases where such action is appropriate. Obviously, these changes would avoid the cases where arrest and criminal prosecution were not pursued through police misfeasance or malfeasance or even nonfeasance.

Two, with the changes in New York law and administrative policy, emphasis is placed on arrest and judicial remedy alone, to the possible detriment of those who are aggrieved. As we have seen, available statistics indicate that in more than half of the cases of family disturbances known to the police, no assault occurs. In these cases, actions such as arbitration, mediation, or referral may be much more appropriate than invoking the criminal or judicial process.

Three, although the changed law does not specifically prohibit using other than the arrest option, as a practical matter, it is difficult to see how a police officer's discretion can operate. Although the intent may be to assure the aggrieved woman's right to court redress and not to eliminate other courses of action, in reality there is a chilling effect on police behavior. When an officer reads a five-paragraph explanation of legal options, which is mandated in all family cases, it puts the force of authority behind a judicial solution. Also, officers are explicitly prohibited from discouraging a complainant from seeking a court remedy. Yet almost any action or explanation can be seen as a discouragement. For example, advising a complainant of the possible benefits to be derived from a social service agency could be interpreted as a discouragement from seeking a court remedy. Given these constraints, it is difficult to imagine the discretion that remains.

Four, one of the most serious issues to be considered is the fact that New York law and police regulations appear to define wife battering and family offense as being synonymous. Given the absence of physical violence in most family disturbance, limiting an officer's discretion on intervening in family disputes to informing the complainant of her legal rights, treats all cases as if the difficulty is one that can only be resolved by a court of law. This development is clearly at odds with current enlightened thinking in the police field.

So to summarize, on balance and however well-intentioned they may have been, we believe developments in New York may have done more harm than good to the rights of women.

We are concerned about the serious inadequacies in the data base available for the guidance of public policy. Well intentioned reforms can be self-defeating if public policy changes rests solely on egregious case reasoning. It is our conviction that any changes mandated in police management of family disputes be based upon objective data, the kind available only through the conduct of sound research. And here I join Marjory Fields in asking that such data be a clear objective of public policy. We know only too little to do otherwise. Anything else may serve the purposes of advocacy very well, but may do unnecessary mischief in the lives of people. Thank you.

COMMISSIONER SALTZMAN. Thank you. Next on our program is the Honorable Golden Johnson, Statutory Reform, the Answer to a Battered Woman's Prayer?

Statutory Reform: The Answer to a Battered Woman's Prayer?

Presentation of Golden Johnson

JUDGE JOHNSON. Good afternoon, Commissioners, panelists, and all those who are here and concerned about the plight of battered women in today's society. The one correction I may want to note in the beginning is that it is true I was a municipal court judge in Newark, New Jersey, in 1974. But I resigned that position in 1977, and I am currently working as a corporate attorney for Hoffman-LaRoche.

I am here today to speak on the statutes that are currently available for the use of women who are victims of what we call being battered by the husbands or spouses. I assume that much of what I am going to say has to do with some practical experience that I've had as a judge, adjudicating those cases that came before me while I was sitting down in Newark.

During the course of these 2 days and this symposium, we shall be involved in the detail of close analysis of practice; every aspect of the problem of wife abuse. And if I speak of wife abuse or battered wives or battered women during the course of my presentation, I am also talking, unless I specifically note, about other arrangements; what we call L.T.A. or living together arrangement because these people are also victims of family kinds of abuse.

This morning you were given an overview of problems and some insight of policies and practices of government intervention. You have also heard about the remedies for or the manners in which police respond to the calls in these situations. But I shall attempt to explore with you this afternoon the remedies that are currently available to victims of this crime in terms of statutory laws and women, and the enforcement of the current law is sufficient to address the immediate needs of battered women.

The State statutes that I will be referring to specifically and generally will be those of California, Pennsylvania, New York, as was already discussed, and New Jersey.

From our historic perspective, laws had been promulgated to govern everything that we do. We have laws both civil and criminal which are designed to govern our interaction within society, and those of us who assume spiritual lives, there are laws to direct us in that endeavor. Both of those situations are constitutionally separated by the laws governing our general lives and those governing our spiritual lives.

We also have what I refer to as government laws that have been created by society, although society claims that they really have no part in that creation which governs a persons daily conduct within his or her family situation. We have government laws which tend to regulate a small aspect of our family structure. Those laws are generally geared towards the keeping together of the family unit and usually at all cost. Even the divorce laws of most States, until recently, were designed to make a dissolution of the married or family next to impossible.

Further, we must understand that all of the different kinds of laws to which I have alluded were designed, promulgated, and generally enforced, to the extent that they are enforced, by the males of our society. Further, we have consciously attempted, and in many instances succeeded, in separating all three categories of these laws.

So it should be no surprise that the problem of the battered women have not been generally addressed by the legal society because of the general feeling that what goes on between husband and wife behind closed doors is pretty much their business and, generally, if they have any dirty laundry, so to speak, such as wife and child abuse, then it should be aired or washed behind closed doors and clearly not in public.

In fact, it's a well known fact that many, including some women, have felt it was a man's right to discipline his wife to make her act right. And indeed, there are old laws that are existing in some States that allow husbands to beat their wives even if they used a 2 X 4, as long as the board conforms to standard size dictated by law. So, again, we ask what remedies can we find in the law? We must recognize differences between criminal remedies and civil remedies, and/or availability or combination of both.

Generally speaking, excepting California, State statutes or municipal ordinances that are available to victims of wife abuse are the typical criminal statutes and ordinances of assault and/or battery, and from a lesser to a higher degree short of homicide. Basically, these typical statutes state that, if you intentionally threaten to do bodily harm to someone or harass that person or interfere with his or her right to be left alone, you are guilty of either simple assault, threatening of life, or harassment, or something of that nature. Or depending on what State you're in and what city you're in, those different terms are used to describe a simple assault and battery. This particular instance is not a felony, and the punishment that is enforced generally go from 1 to 6 months in jail, and/or a nominal fine.

You also have what is commonly known as simple assault and battery, although I have never known anything about physical abuse being simple. But that means that generally not only do you threaten to harm someone by word or deed, but you also have intentionally battered that person with your hand or with the aid of some object. Again, this is also not a felony and the fine or prison term is usually not more than 6 months in jail, $500 fine, or both.

We come to what is commonly known as atrocious assault and battery or aggravated assault or anything short of murder. This is committed with or without a weapon, although in most States the use of a weapon in connection with a crime of this nature is also included as a separate offense. It is a felony and the jail terms vary, fines vary; they can go up to 20 years in jail or thousands of dollars in fines.

It's good, I suppose, that we have these different kinds of statutes and ordinances available to us when we are victims of these kinds of crimes. But it is my feeling that these statutes, as they currently stand, are not the answer to a battered woman's prayers.

First of all, laws are designed to protect property or persons from abuse or misuse of property and persons by others. I am quite sure that the person in the minds of drafters of assault and battery statutes (again the typical male) as a possible victim needing protection is the battered women. Until the woman's movement encouraged the surfacing of these abusive practices, the legislator and courts would have you believe the crime generally did not exist, that there was no such thing as assault and battery between husband and wife. So clearly, since the law was not originally designed for the protection of the battered wife, how can we now say that it's properly enforced, it is the perfect remedy?

This problem is similiar to the statute, such as statutory rape which were not designed to address the problem of a husband raping his wife, whether they were separated or living together. You can't say, however, that the wife in both instances had not been the victim of a crime, but you also cannot point to a specific statute designed to deal with that specific problem.

We do have one State of the Union, however, that had foresight that wife abuse was a crime, in and of itself, and that it should not and therefore was not left to varying interpretations and lack of enforcement of the general assault and battery statute. This law has been on the books for quite sometime, and it's been there and has been endorsed generally throughout the State of California. It is Title 9, section 273-D, which is entitled "Corporal Injuries Inflicted upon Wife or Child and Punishment."

Any husband who willfully inflicts upon his wife corporal injury resulting in traumatic injuries, any person who willfully inflicts upon any child cruel and unusual corporal punishment or resulting in traumatic condition is guilty of a felony. And upon conviction thereof, shall be punished by imprisonment in the State prison for not more than 10 years or in the county jail for not more than 1 year.

The enforcement of the statute generally requires that the wife show that she has sustained some kind of corporal injury resulting in a traumatic condition, which is a little more severe than simple assault, but less than the great bodily injuries required for aggravated or atrocious assault and battery. The cases tend to indicate that visible bruises and injuries of some kind must be present whenever those particular statutes are enforced by the arresting officer.

This also goes to the problem that we have in enforcement, which I am really not going to deal with today. And that, is that if in fact a police officer cannot come to your aid at the time in which you have been the immediate victim of abuse from your spouse, then there are some problems in delay in getting to courts and getting some redress of your grievances, and therefore any bruises that may in fact have been inflicted could, by the time you get to court, no longer exist.

So it is also important to know what your rights are or what you ought to be doing at the time in which this injury occurs and whether or not you should have witnesses, or neighbors, or take pictures or things of that nature. So that if, in fact, your case be brought to the proper authorities —and it takes a while to get there—that you still will be able to refer to injuries or visible injuries that you received, rather than talk about something that no one else can see, the judge can't see, the prosecutor can't see, and the husband will allege never were present.

As recently as February 1976, California law was challenged by a defendant husband, who alleged the law was unconstitutional in that it did not provide for similar treatment for men. The judge, upholding the constitutionality of the statute, made some very interesting and thought provoking observations, some of which I would like to share with you today.

The name of the case was *People vs. Cameron,* which appeared in 126 California Reporter, page 44. The judge states that he thinks that the conclusion is inescapable: that wives as an object of abuse by their spouses are a class distinctly set apart by the conditions under which their abuse customarily occurs.

The first and most obvious distinction is that women are physically less able to defend themselves against their husbands than vice versa. National statistics show that the average adult male is 28 pounds heavier and 5 inches taller than the average adult female. No competent prize fighter manager would send a much smaller combatant into the ring against the much larger opponent, especially without a referee and the restraining influence of an audience.

Abuse between husbands and wives take place in the home, usually late at night and after the consumption of alcohol by one or both of the parties, except in cases of rape or other serious felonies. A male does not ordinarily attack a female that's not his wife.

Society places strong restraints upon chivalrous conduct by male to a female in a social setting. But such chivalry appears to loose effectiveness at the threshold, especially if the husband comes home filled with the tension of his work, and often a few beers, and confronts an accusative wife. This physical confrontation is not predictable, but quite predictable is the outcome. The husband's fists are more damaging than the wife's tongue, however sharp.

The argument is made that no special legislation is needed to protect the wife in as much as the assaultive husband can be charged under penal codes with assault by force and he is likely to produce great bodily injury. The severity of the injury warrants such a charge or otherwise assault and battery. Such argument loses much of its persuasive effect when we consider the reality of the situation.

When a husband assaults his wife, usually it's late at night and frequently out of the presence of witnesses, except as in this case, which refers to, in this particular case, in front of a helpless and disturbed child, which occurs quite frequently. The officer responding to the call for help in this case must determine whether or not felony has been committed or misdemeanor or something like that—and it goes on to talk about the severity of the injuries—are therefore not all capable of instant diagnoses and internal injuries, and even broken limbs may be immediate evidence themselves. Society, excepting for this particular provision 273-D, an officer responding to a wife beating case would ordinarily, in the exercise of caution to avoid a charge of false arrest, can only arrest if in fact he has seen what has happened. But because of this particular statute, he can't make an arrest whether or not he is present during the committing of that particular crime.

He also states that there is a reminder to the husband, that the law does not tolerate the infliction of wife beating be referred to by law, but may in fact impose prison terms, therefore may not only deter such conduct, but may thereby preserve the marriage by curbing the male aggressiveness.

While this cause and effect relationship may be precise, the law cannot require a reputable cause and effect relationship between crime and punishment. He makes one further observation. When the question is raised as to why this law was not designed to protect not only wives but also to protect those who are in living-together arrangements, states that female paranoid should be entitled to the state of protection as a lawfully married wife who is unpersuasive.

This State has no interest in the maintenance of matriculous relationships, as is evidenced by the fact that a punitive spouse may have some equitable rights that she is not afforded in statutory rights granted a wife, i.e. community property, etc. So the law was held to be constitutional, it was held to be necessary; it was held as one of those laws that discriminate between men and women and unconstitutional.

Again, New York established a family court as discussed this morning or discussed just a little while ago. And in establishing a family court to handle family problems, New York emphasized what it felt its purpose was for establishing this court. It stated that, in the past, wives and other members of families who have suffered from disorderly conduct, harassments, menacing reckless endangerment, assault or attempted assault by other members of family or households were compelled to bring a criminal charge. Their purpose, with few exceptions, was not to secure a criminal conviction and punishment but to practice help. Family court is better equipped to render such help.

And the purpose of this article, meaning article 8 which established the family court, is to create a civil proceeding for dealing with such cases. It authorizes the family court to enter orders of protection and support and contemplate conciliation proceedings. If the family court concludes that the processes are inappropriate in a particular case, it is authorized to transfer the proceedings to the appropriate criminal court. And, as you know, that transfer of proceedings has now been changed and the criminal court is given concurrent jurisdiction along with the family court to handle wife abuse matters.

The wife whereas didn't have any choice in the matter, whether it would be transferred from the family court to criminal court; the judge made that determination and usually at his discretion. The husband has the right to, in fact, appeal transfer. She does now have the opportunity to make the initial decision as to whether or not the case should be brought to the criminal section of the court or the family section of the court.

In discussing the amendments which are allowed the concurrent jurisdiction of these problems, the amendments define the purposes of each proceeding, meaning proceedings in family court versus the proceedings in the criminal section. And adjudication, they state, in the family court is for the purpose of attempting to keep the family unit intact. It is very clear and it is similar to that statement made by the judge in the State of California case.

Referrals for counseling or counseling services are available for this purpose through the family court system. However, adjudication in criminal court is for the distinct purpose of punitive action against the offender and is not designed necessarily to discuss family problems, keeping the family unit intact or giving counseling service or any kind of support services that are in fact available at the family court system.

Another remedy that is allegedly available in some States is the so-called peace bond. This remedy is available in California and Michigan, where its effectiveness is generally considered to be nonexistent. A peace bond is a surety, usually a bond which is imposed in a quasicriminal proceeding. It is rarely used and when imposed, the money is rarely posted. Usually, the peace bond has not been fully explored.

Another problem is the possible constitutional violation of when the persons are arrested or put in prison for nonpayment of these bonds, they are not provided the right of trial by jury, when they allege unequal treatment of persons not able to post these bonds. And also whether or not a question of double jeopardy when a later conviction of wife abuse is conclusive evidence of the violation of the effect of the peace bond.

There are also those who feel that battered wives should also be included in otherwise progressive legislation. I know in New Jersey they have such a statute which compensates victims of crime. However, in Pennsylvania and California they have excluded members of the family of the person who allegedly committed the crime, which means that battered women would not have access to the utilization of this particular statute. In New Jersey, of course, no one can use it at this point because it does not have any money.

COMMISSIONER SALTZMAN. Judge Johnson, in order to maintain our time constraints, may I ask you to begin your closing remarks.

JUDGE JOHNSON. Okay.

COMMISSIONER SALTZMAN. I'd appreciate it. Of course, your total statement will be submitted for the record.

JUDGE JOHNSON. There was one other recent development that I wanted to point out now, was that as recently as this month, January 18, 1978, in New Jersey, the appellate division of New Jersey State court in an opinion written by a woman judge, along with two other judges, but she wrote the opinion for the panel, upheld the right of a wife or in this case an ex-wife to sue her husband for civil damages and receive money for continued abuse.

Judge Presley stated that in civilized society wife beating is neither a marital privilege nor an act of simple domestic negligence. She goes on to talk about the fact that in this particular situation, interspousal immunity, which generally applies to wives and husband sueing each other for different things, would not apply in this case. The wife in this situation alleged that her husband brutally beat her, tearing off her clothes, cutting her face, etc., and she was awarded $25,000 in compensatory damages and $10,000 in punitive damages.

So this is another remedy, although after the fact, that is being sort of discussed and battered out, if I may make that statement, in the various courts and cases as possible solutions or remedies that are available to battered women.

In conclusion, I would have to say that, yes, there are laws on the books available for the use of battered women, but I suggest that these statutes are not adequate. We need to have laws that are more specifically addressed to that particular problem, or at least the implementation and enforcement of those laws that have been designed to protect battered wives as a specific kind of victim.

We need more supportive services, we need more education as to the problem surrounding this particular matter. We need to convince our legislative and law enforcement officials that we are serious in our endeavors to address and eradicate this abusive problem that occurs from a very large segment of our society. And that we should also do everything that is within our power, not only as individuals in our own home States and towns, but also as policymaking bodies such as the United States Commission on Civil Rights to do all that is within our power to achieve this goal. Thank you.

Court Diversion: An Alternative to Spousal Abuse Cases

Presentation of Anna Laszlo

COMMISSIONER SALTZMAN. Thank you. Ms. Laszlo will now speak to us on alternatives for spousal abuse cases.

Ms. LASZLO. Good afternoon. I'd like to note to the panel that my co-author, Assistant District Attorney Thomas McKean is here and available to answer any questions that are appropriate to his expertise.

I would like to begin by explaining to you the nature of our paper. It is divided into several sections. The first deals with a presentation of analysis of a 2-year sample of cases that came through the Dorchester District Court, which is a district court of Boston and Suffolk County, Massachusetts. We took a look at all of the 2 years of spousal abuse cases that were referred to a mediation panel, which I would describe in terms of mediation as a form of court diversion.

We also took a look at five other models of mediation throughout the country. We compared them to the program which we have in Dorchester. In conclusion, we consider the concept of court diversion and its appropriateness to spousal abuse.

Some jurisdictions have recognized that the traditional means of adjudicating criminal complaints which result from spousal abuse do not resolve the underlying disputes. They have sought, therefore, to divert spousal abuse cases to alternative forms of dispute settlements, either through an arbitration panel or a mediation panel, the arbitration agreement, whereby the offender would not be prosecuted if he agrees to cease and desist in his actions. A violation of the peace bond agreement would result in either a loss of money bond or a contempt of court action.

The mediation program of the Dorchester district court is just one of many diversion programs across the country. Others operate out of Columbus, Ohio; Rochester, New York, Miami, Florida; and San Francisco. While there is no specific information as to how each of these programs deal with spousal abuse, the current section of our work will describe these six programs, with specific attention to the referral mechanisms in the program.

I would just like to use the one program in Boston as the case example of a type of court diversion. The Dorchester community is largely composed of whites, Irish Catholic working class with family roots within the community and strong neighborhood identification.

In recent years there has been an influx of the black working class who have expanded into the traditionally white neighborhood. Interracial conflict has been prevalent in the community, exemplified by the school busing controversy. There is also a small percentage of Puerto Ricans with their own cultural identity, antagonistic toward blacks and whites.

Existing almost separately in the community is the Columbia Point Housing Project, which is predominantly inhabited by poor black and Puerto Rican population. Despite this ethnic and racial mixture, Dorchester can, by no means, be considered as an integrated community. Boundary lines between the races are clearly defined.

Recently, the community has been actively involved in both the politics and operation of district courts. Black and Puerto Rican populations have used the court as the arena for settling interpersonal disputes. In addition, the deterioration of the Catholic parish, traditionally an agent for resolving family disputes, has resulted in an increasing referral of family violence cases to the court. Traditionally, diversion has been defined as the channeling of criminal defendant and to rehabilitative programs after disposition of criminal complaints. However, for the purpose of our analysis, we have broadened the definition as decried in the report of the Correction Task Force of the National Commission on Criminal Justice, and I quote from that report, "Diversion refers to formally acknowledged efforts to utilize alternatives to the justice system. To qualify as diversion such efforts must be undertaken prior to adjudication and after legally prescribed action has occured. Diversion implies halting or suspending formal criminal proceedings against the person who has violated a statute in favor of processing through non-criminal disposition."

The second brief definition or term that is helpful would be defined as successful mediation. The initial grant proposal of the mediation program defines successful mediation as one in which the disputants arrive at written agreement. However, for the purpose of our analysis, we have defined successful mediation as one which results in no further criminal complaints being sought by complainant against the respondant within the span of a 2- year study.

Again, the study analyzes a study population of 86 cases which were processed through the district attorney's office in the district court of Dorchester. The cases involve disputes between spouses. Defendants ranged in age from 19 to 52, they were black, white, and Puerto Rican males. In the sample, the marital status of the disputants ranged from married, separated, divorced, common law, or conjugal relationships which lasted for at least 6 months. We studied both felony and misdemeanor cases in the sample, although the felony charges were reduced by the court to allow the district courts to take jurisdiction over the cases.

I would like at this point to give you a brief description of the function of the mediation component. The component is housed in offices outside of the court, operated by a program called the Urban Core Program, which is funded through an LEAA grant, but which is operationalized through a private nonprofit agency.

The component offers an alternative method of handling criminal complaints. Referral to the unit comes from three sources; one, by the clerk of the court after a hearing. The district attorney's office may refer cases to the mediation panel after the process of intake screening. The intake screening process of district attorney's office involves the district attorney sitting down with the victim and the police officer, if there is one in the case, and putting together the criminal charges that will be levied against the defendant.

The mediation component also accepts referrals from the bench at the time of arraignment. Upon referral, the staff member is available to explain the program to the complainant and to the respondent. Disputing parties consent to mediation by signing volunteer agreement form.

I must emphasize that both the victim and the defendant must agree to mediation. It is usually the assistant district attorney who discusses the options of mediation with the victim or battered woman. And it is clearly her choice to accept the referral to mediation. When the respondent or defendant is not present at the time of the referral, a letter is sent requesting that he contact the program within 72 hours.

An important difference between the mediation component and many other programs across the country is that it offers only mediation and not arbitration. Matters are referred back to the court when settlement cannot be reached. The clerk often decides to issue the complaint or district attorney's office processes the criminal complaint through normal court proceedings.

Mediation settlements are written up by the panel, signed by both parties, and witnessed by a panel member. Copies of the agreement are then given to both parties. The agreement is not legally binding, however, the panel encourages disputants to contact the panel. The panel also informs the parties that a staff member will be in contact with them within 2 weeks to monitor the agreement.

The initial phase of the mediation session includes first an explanation of the procedure with a particular emphasis placed on the nature of the function of the unit. The panelist indicate that the panel members do not formulate the agreements. It is the husband and the wife who write up the agreement. The panel is present merely to facilitate the disputants in drawing together an agreement.

The mediation agreement should be one that the disputant can honor and that it is not in itself legally binding. The complainant, the battered woman, is then asked to relate the incidents of the dispute. Later the defendant is then given the same opportunity. Once the initial information has been elicited, they must determine the underlying causes of disputes. A portion of mediation is accomplished during individual sessions with disputant. When the agreement is reached, mediators reduce it to writing and provide it to the disputant.

COMMISSIONER SALTZMAN. Ms. Laszlo, may I ask you to conclude within another few minutes?

Ms. LASZLO. Certainly. We classify our cases by both nonviolent and violent cases in the number of misdemeanor and felony cases. In terms of criminal charges, we saw everything from threats to assault with a dangerous weapon to attempted homicide. Of the 86 cases, 65 of our cases fell into the category of successful mediation cases, that is, cases in which an agreement was reached and no further criminal complaints issued within the 2- year period of the span of the study.

An interesting piece of data within the cases that were successful was the nature of the mediation agreement as well as the number of social services and the type of social services that were made available to the victim and the defendant as part of the mediation agreement.

Once an initial agreement was reached, the cases continued for for 3 months, during which time the court supervises the case. If there are no difficulties within the mediation agreements between parties that the mediation agreement does not break down, the court has the option to dismiss the criminal complaint. The court also has the option to continue the case for another 3 months, another 6-month period of time. In 1 case out of 86 samples, a case was continued for a year without trial after it had been continued to the mediation panel.

In conclusion, it must be noted that when two parties, and more specific, spouses having a dispute resulting in violence toward one party, there are several alternatives available to the victim. There is an alternative which is often chosen. There is active avoidance of the termination of the relationship because of economic difficulties and emotional dependency. Also, the volunteering use of social service agencies and other assistance programs require a general concern with the purpose and the individual needs of both parties.

However, it is only when the above alternatives are not exercised that the dispute would be the subject of our study. The victim in all the diversion models that we studied sought third party intervention through the courts or through community mediation.

Clearly, in terms of the diversion study, mediation rather than arbitration is preferred as a form of dispute settlement. This is partially based on a premise that the agreement made voluntarily is more likely to resolve the underlying problem. Assessment of our 2-year sample of cases seem to support that theory.

Community member mediator provides an appropriate mechanism for dispute settlements. The part of the dispute to reach a resolution with the assistance of individuals whom they have some identification and whose recommendation for social service may be more readily accepted.

However, it must be emphasized that a form of coersion whether through the arbitration award or threat of criminal sanction is an essential component to the dispute resolution of spousal abuse cases. It gives the court the necessary control over defendant while assuring the victim that the court is necessarily responsive to their request for assistance. Thank you.

Response of Yolanda Bako

COMMISSIONER SALTZMAN. Thank you to all three of you. May I begin with the response from Yolando Bako.

Ms. BAKO. I want to respond to Morton Bard's paper. The copy I received was slightly different from the one that was spoken, so I will be quoting from the paper I received.

I want to reiterate what Marjory Fields described to us this morning regarding the sexist, inaccurate, misleading nature of the police department's training manuals. She also has found that many battered women's complaints are screened out by the police dispatcher and never even reach the stage of a recorded complaint.

I would also like to agree with James Bannon who spoke about the systematic discrimination against women in the criminal justice system. He, too, mentioned how police records don't accurately record wife battering although the general public knows about its prevalence.

At this point, I believe it would be useful to bring the limitations of the role of police in familial violence into a clearer perspective with relationship to the whole issue, pointing out some examples from the New York experience.

Although I think that police officer training is important, it has such severe limitations in New York that I have to point them out. Dr. Bard states, "Ironically, at the same time that the police have been seeking violent family encounters, organized criticism of their responses to instances of wife abuse have been escalating."

It seems to me reasonable that public awareness would cause police involvement including both criticism and suggestions for improvement of police involvement would increase in direct proportion with the amount of public awareness around the issue of wife abuse in general. Rather than ironic, I have found that in any process of social change there is always an inherent tendency to focus attention on the victimized population—in this case battered women. Part of that focus is to identify the intervening forces that impede the advancement of the victimized group under the guise of law and order.

Before the creation of the few shelters and other services in New York, there were only two options available to battered women. One was the overcrowded, complicated family court, where the proceedings consist of the civil litigation, i.e. X versus Y, as opposed to the overcrowed, complicated criminal court, where the litigation is the State of New York versus Y. The second alternative is the police.

As I see it, one of the major benefits in recent legislation making wife battering a crime against society is raising the consciousness of all citizens that wife battering will no longer be tolerated. Hitting one's wife can no longer be viewed as an imprudent act carried out in the privacy of the home that can be forgiven the next day. It is now everyone's problem to solve.

In working with victimized women over the past 5 years, it has been my experience that most women who do have the fortitude to seek outside help, do not understand the system well enough to know the options. They seek police help even when other options would be more appropriate.

Bard and Connolly also state, "Sometimes, the appeal to the police follows an assault; more often, however, they are called not because the crime has been committed, but because one of the parties becomes afraid that things were getting out of hand."

Another explanation of this phenomenon may well be police are far more well funded, locally available, permanently established resource for battered women's services program. The police are much better publicized; they even have their own public relations department. A call to the police is truly a call for help even if injuries inflicted have only been psychological or are not *currently, physically* apparent. Many women have been kicked in the stomach while pregnant, they have been pinched in the breast, they have often been hit in the back of the head, groin or other area usually covered by clothing or hair. Many police officers do not notice these injuries or do not ask the appropriate questions or make the proper notations on their complaint forms. Regardless of these drawbacks, it is still much easier to seek help from a police officer who is in your own precinct and only a phone call away than it is to locate the scarce projects providing free services to battered women. If the shelter or crisis center exist at all, it is usually minimally funded, staffed mainly by volunteers, and is the only service within a 200-mile radius, and cannot provide the transportation for staff to go directly to the home. If our government ever funded any of these programs, as well as they have the police, the quality and availability of services, which need to be vastly improved, would be well in hand.

In any case, since the problem is already at the doorstep of the police, I think it is essential to make reform there. Bard and Connolly

77 5

state, "Should objectively derived data demonstrate negative consequences of police behavior for victims of domestic violence, changes must be made." If Bard and Connolly cannot find this data, I would be glad to provide it. In a research sample of women who sought shelter at Woman's Survival Space (Center for the Elimination of Violence in the Family, Inc., New York), 97 percent complained about inappropriate police treatment. Two cases I know of were so damaging to the victim, that many complaints were lodged to the civilian complaint review board.

The Litigation Coalition for Battered Women in New York filed a lawsuit in December 1976 by 12 battered wives suing in behalf of all battered wives in similiar situations in New York City. The complaint charges that battered wives are often denied police protection and family court aid.

The 70 affidavits filed in a lawsuit outline over and over again instances in which the police refused to arrest men who beat their wives, failed to assist badly beaten wives to obtain medical assistance, failed to make an arrest when the battered wife had an order of protection and more. Many instances were cited in which family court personnel deterred or prohibited filing of an order of protection, or temporary order of protection, or forced women to seek probation counseling. In July 1977 Justice Gellinoff rejected efforts of the defendants to dismiss the case and held "If the allegations of the instant complaint—buttressed by hundreds of pages of affidavits—are true, only the written law has changed, in reality wife beating is still condoned, if not approved by some of those charged with protecting its victims."

Although I agree with Bard and Connolly that the remedies proposed by battered women's advocates do have drawbacks, there are very few remedial changes in legislation that do not. At meetings in New York around proposed legislation, I found it difficult to contain my amusement while battered women's advocates who had not been through the rape prevention movement argued that the criminal justice system would be an improvement to the lot of battered spouse. Anyone who was a veteran of the rape prevention movement, and had, like myself, accompanied scores of women through criminal court knew only too well that the change would only be a theoretical victory. It would, however, force discussion into the open that was urgently needed to remove the stigma of silence that surrounds intrafamily violence. This stigma of silence has always been one of the worst enemies of victimized women. Only time will tell whether these specific statutory reforms will be of benefit to the battered spouse in New York.

Because it has been in my experience with battered women (and in that of Bard and Connolly) that "more victims of spouse abuse do not call the police than do," I would now like to touch on the implications of this with regard to the police role in society in general. Bard and Connolly make an important point when they mention that police officers are not given incentive for working in the area of family crisis intervention: "Traditional rewards in police organizations are geared almost entirely to functions that constitute the smallest proportion of work hours." Given that police officers spend most of their time functioning in a routine, service-oriented capacity, it would behoove the police departments to redesign their training programs in such a manner as to place a heavy emphasis on mediation and negotiation skills rather than what Bard and Connolly call "their [the police officers'] action orientation and their intolerance for delay in 'doing something." This very "action orientation" plus the traditional stereotype of the police officer as the man-with-the-gun-fighting-crime make it hard for the battered woman in crisis to feel as though she is being dealt with by a sensitive and responsive individual. These factors also make it hard for the officer to maintain a high self-image as a "good cop" when not engaging in hot pursuit of psychopathic criminals. The statement by Bard and Connolly: "The attitude. . .is associated with the belief that any helping function requiring the use of interpersonal skills diminishes the masculine authority image of the police" is particularly significant. Although this image may be useful for the apprehension of an armed bank robber, it is precisely this masculine authority image that causes men to justify beating their wives and women to learn to be victims. This masculine authority image has also slowed the integration of women into the police departments. According to an article in the *New York Times* on July 15, 1974:

> Interviews with superior officers who have women in their precincts indicated that the women were handling every facet of police work as well as the men. Many noted that the women were *more often effective in handling family disputes* and even drunks.

New York Police Department has only 2.5 percent women officers. This is ironic if one considers the possibility that men and women can be effective at family crisis intervention, than as much as 97.5 of the New York State Police Department! A *New York Times* article in November 1974 quoted Police Chief Jerry Wilson of the Washington, D.C., Police as saying, "Women have demonstrated they can do the job. I think it's possible to have a police force of all women and I would be willing to run it."

Police departments that are incorporating training programs for interpersonal skills into their usual cadet regimens are making a step in the right direction, however, they would be making even greater strides if they invested this training in a tremendous resource quite capable of maximizing it—women.

In addition to being a women's group representative in police training seminars over the years, I might add that I have the "unique honor" of taking the most recent police civil service test given in New York in 1973 to 53,474 applicants, not one of whom was hired because of job cuts. Many officers hired in the years just previous to 1973 were also let go because of lack of seniority, again showing that women, ethnic minorities, and younger, more impressionable officers are not even available within the ranks to respond to the training. I was able to see firsthand how even the screening process of applicants placed no premium on human relations skills and actually excluded the less "masculine" elements of society. The major screening process was a three-part exam: a rigorous physical fitness test, which many older officers could no longer pass; a medical exam that eliminated those under a certain height and weight; and a written exam of 100 questions, out of which only 2 dealt with the police relationship to intrafamily violence. Nowhere in the testing or extensive background examination was any value placed on a candidate's abilities or past experience in human relations functions. The veteran police officers administering the test showed rampant sexism every step of the way. Women applicants were continuously ridiculed in front of their male coapplicants—women were chided while running the mile, while carrying 70-pound sacks, while hurdling obstacles and doing situps. Every step of the way the veteran officer would pull me aside and ask, "Hey, honey, what does a girl like you want a job like this for?" While waiting on long lines, women applicants would hear, directly at them or behind their backs, remarks about how women would not be able to do this job because they were too small and weak. I myself was partially amused, when not furious, because many of the men were so steeped in their stereotypes that they could not alter their remarks for a 6 foot, 1-1/2 inches 172-pound woman—me. I scored 96 percent on the test and towered over many of my male coapplicants.

Since police are usually considered a conservative element of society and maintainers of the status quo, I believe reform within their ranks is essential because of their permanence. However, we must caution ourselves not to overemphasize the role of the police in the eradication of spouse abuse and work on the elimination of violence as a means of enforcing the dominant power relationship of men over women.

A comprehensive, coordinated approach must be used to lessen the problems on many levels because each individual case is unique as the people involved in the interaction. Several options must be available to choose from, and the victim must be given the breathing space to make the most informed choice. No victim should be forced to make that choice while in the midst of crisis with several crying, needy children looking to her to make the right choice. Therefore, along with legal, medical, and social service program improvement, I think it is essential to fund a network of battered women's shelters in local communities across the country, much as has been done in both England and Canada. Although women's groups have pioneered, defined, and publicized the issues of violence against women, Federal agencies still do not accept their valid leadership. Federal legislation should, therefore, mandate support of existing battered women's shelters and financially support the drawbacks to the two currently proposed bills to treat domestic violence. (A comprehensive analysis of the bills is published in *Feminist Alliance Against Rape,* November/December 1977 by Valle Jones.) Both NIMH and ACTION, as suggested administrators of grants programs, cannot adequately address the extensive needs of battered women for legal assistance, housing, jobs and training, public assistance, health care, children's services, and community education. An NIMH, mental health approach would be detrimental to the image of battered women and would hamper public education efforts to end the stigma attached to the problem. An ACTION, volunteer, approach would institutionalize the free labor of women and hamper the leadership role of women's groups already providing aid over the past several years. In order to address the comprehensive nature of the problem, I think money should be allotted from every single Federal source: HEW, HUD, LEAA, DOL, Legal Services Corporation, Community Services Administration, ACTION. All of these agencies services are relevant to the aid of battered women. The programs developed must be staffed by committed, sensitive women from diverse backgrounds who can introduce the victim to various options, provide her with role models of women who have successfully used these options, and give her a safe breathing space where she can begin to break the cycle of violence in which she and her children have been enmeshed.

COMMISSIONER SALTZMAN. I am extremely sorry. But in order to give everyone a fair chance, I'm going to have to ask that Ms. Harris proceed with hers. Thank you.

MS. HARRIS. Commissioner, I'd like Ms. Bako to continue and I will be brief to make up for the extra time.

COMMISSIONER SALTZMAN. I can see that the audience would like to hear it.

Ms. Bako. In closing a critique of any program to aid battered women, I think it is essential to remember that most victims are never seen by any of the agencies intended to help the victim. Although battered women's shelter hotlines never stop ringing, it is the rare woman who has the fortitude to uproot herself and her children from a familiar situation regardless of how violent, and seek the unknown—often in the middle of the night.

Most service programs are so overwhelmed by the immediate needs of the victim that the long term goal of primary prevention is considered, by some, a luxury. I cannot stress strongly enough the need to work on preventing the causes of victim mentality as well as the causes of coercive and violent mentality that are enforced in all of the media.

Two thousand years of Judeo-Christian sanction have given the present high status to the masculine authority image. Twenty-five years of television have permeated every single home in the country, including many homes too poor to afford other luxuries and even some necessities, with a reaffirmation of this image and glorification of the coercive and violent mentality. There are still cartoons for children that depict a caveman clubbing a women over the head and dragging her on the ground by the hair.

With the inception of the women's movement, media producers made a slight concession to the fundamental changes required by feminist activists. Rather than getting at the root causes of the abuse of the image of women in media, some slight, surface-only changes were made.

Women are now allowed to hold jobs in addition to the major burden of child care. A few women have even taken over traditional male jobs. However, "Policewoman," "Charlie's Angels," etc. still show a string of male colleagues eyeing the "sexy" officer's thighs while she is in the midst of performing impossible, heroic deeds that miraculously do not muss her hair or smudge her mascara.

Still worse are the constant portrayals of women as seductive rape victims, vindictive wives, cold professionals, and a never-ending variety of prostitutes. Scenes of violence against women are the major draw in many popular movies, as well as the photograph adorning the cover of many record albums and magazines.

At the current rate of technological progress, I am sure it will only be a short time before we are forced to witness mutilation of a woman in 3D holovision, unless the current trend of violence as entertainment is halted and reversed.

Along with the massive job of media reform, we must also promote the use of media for positive goals. Sensitive, realistic programs that deal with rape, child abuse and battered women are seen by infinitely more people than can be reached by service programs ad speaking engagements. Public service announcements on bus and subway, newspaper and magazine, and television and radio can reach masses of people who would not seek outside intervention.

In New York, I have been working on developing such a program with the School of Visual Arts. The goal of the public service message is not only to end the silence and inform people of services, but an attempt is being made to improve the self-image of the victim and lessen the appeal of the assaulter. Thank you.

COMMISSIONER SALTZMAN. Thank you. I think you will have to pull that up a little closer.

Response of Deborah Harris

Ms. HARRIS. I am going to talk a little bit about the Protection from Abuse Act which went into effect in Pennsylvania on December 6, 1976, so we've just about had a year's experience under the act. I am a Philadelphia attorney, and I work for Legal Service clients. So my own experience is fairly limited. Some of you may talk to others from around Pennsylvania who are here today and has had experience with the act in counties outside Philadelphia. The act was designed to provide a legal alternative for victims of domestic violence. Before passage of the act, the only legal remedy was a private criminal complaint filed in the criminal courts. There were a number of problems with this procedure, which I will get into a little bit later. Under the Protection from Abuse Act, the judge can evict the abusive spouse from the family house or apartment for up to 1 year, and/or can order him not to strike, abuse, harass, or threaten his spouse or children. The act defines abuse in very much the same ways as you have heard Judge Stout this morning define the misdemeanor assault and battery. Abuse is imminent serious bodily injury, attempting to cause bodily injury, or sexually abusing minor children. The act applies to spouses parent, children and other household members who reside together. It therefore covers unmarried persons abused by their lovers or ex-spouses, in addition to couples who are legally married.

Because the victims of domestic violence are often economically dependent on their attackers, they cannot provide even a temporary alternative for shelter for themselves and their children. The act recognizes this by providing for a hearing to be scheduled within 10 days. It also permits the issuance of ex parte orders. It is my experience in Philadelphia that these are granted only in extremely unusual situations.

I'd like now to talk a little bit about some of the problems under the act. The first problem is the enforcement of the order. The act provides that the orders are enforceable through contempt. In

Pennsylvania, civil contempt proceedings are extremely cumbersome. The procedure requires two hearings initiated by the filing of the contempt petition, and ultimately the remedies that are available are minimal. A civil contempt order has to be coercive. You can't jail someone for civil contempt unless you can somehow frame that as a coercive order. It would be possible to impose a fine, but a fine is not practical where the abusive spouse is indigent or low income.

The other possibility is indirect criminal contempt. Pennsylvania, I think, is fairly unusual in this, but the situation may exist in other States. Pennsylvania provides that in an indirect criminal contempt proceeding, the maximum punishment is 15 days in jail, $100 fine, and the person has the right to a jury trial. No court in Philadelphia is going to enforce a violation of the order indirect criminal contempt. For that reason, there are amendments which are now before the legislature in Pennsylvania to amend the act, to provide for indirect criminal contempt without a jury trial, and to provide that violation of an order under the act is a misdemeanor for which the police can arrest even if it has not occurred in their presence. In other words, the police could arrest on probable cause. There was some discussion earlier about whether it was appropriate to have special laws for women in these special situations. And I think generally speaking, it is probably not necessary to change the criminal codes to provide for remedies for women specifically. However, I think it is possible to change the rule of the court which requires that misdemeanors must occur in the police officer's presence in order to be arrestable offenses.

One interesting sidelight, in Pennsylvania the only situation currently enacted where the police can arrest for misdemeanor, if it doesn't occur in their presence, is in drunk driving cases. I think it is not asking too much from the legislature to require that the court change the rules so that police can arrest for domestic violence misdemeanors which do not occur in their presence. Of course, even at present, violation of an eviction order is criminal trespass and the police can arrest if that does occur in their presence. And there is a directive for police to arrest in those situations in Philadelphia. I know of no arrests which have occurred though, as a result of that directive.

COMMISSIONER SALTZMAN. How about 2 more minutes.

Ms. HARRIS. Sure. The other problem that we are facing in Philadelphia, and I understand it is somewhat less of a problem in the counties, is the courts routinely violate the 10 day rule. Although the act provides for setting up a hearing within 10 days, very often, in my experience, it takes 3 weeks, sometimes even longer to get a hearing. This is aggravated by the problem, which a number of people discussed earlier, of access to attorneys. In my own office, we simply cannot see the number of women that come into our office seeking legal help. There was some discussion about the possibility of providing legal fees paid for by the abuser. I would like to suggest that people consider the alternative of having pro se petitions and lay the counsel in family court. I think that there are many people here who have a lot experience and can provide very efficient lay advocacy. One reason I would like us to consider lay advocacy is that one thing that we all face when we see the break up of the family is there is just not enough money to go around. I have seen too many cases in support court in which the judge is about to award support to a petitioner seeking support when he discovers that the respondent has not yet paid his attorney. He then orders payment to the lawyer before any support is paid. I think we would see the same thing in these cases also.

One thing I would like to say is that, as a result of the Protection from Abuse Act in Pennsylvania, at least in Philadelphia, we have seen that the issue has become a political issue and that we are beginning to see a response in the political system and the district attorney's office which is committed to prosecuting cases where a complainant wants to bring criminal charges. I would like to close here with that remark because I think that that is partly why we are all here today. It is not because any of us has a clear cut solution, but we recognize that if there is going to be any solution, we all have to be pointing at the problem all the time so that police are responsive, district attorneys are responsive, judges are responsive, and funding agencies are responsive. And I think that the Commission holding these hearings today is indicative of that response prompted by the concern of people, like all of us here today. Thank you very much.

COMMISSIONER SALTZMAN. The next respondent in line, I guess, is Mr. Stephens.

Response of Darrel Stephens

MR. STEPHENS. The papers that have been presented have brought into focus the complexity of the problem of domestic assault. A wide range of issues have been identified, and the diversity of what should be done is apparent. The difficulty with the development of public policy in this area is obvious. Both Dr. Bard and Ms. Laszlo have pointed out that little research exists to guide efforts to effectively deal with the problem. Both acknowledge that until a decade ago, there was little concern with the problem. And wife beating has been given the tacit approval of society since it has been protected by the institution of marriage. Both indicate the criminal justice system, which has been the most frequently called upon government service, has not been adequately prepared to deal with the problem, and in many cases, may not be the most appropriate to respond beyond the emergency services of the police. It has also been pointed out that traditional reluctance of police and the courts to pursue domestic assault, and that these conflicts often lead to the death of one of the parties involved.

Finally, the police have been urged to improve their response through adequate officer preparation and diversion has been discussed as an alternative to the courts. I would like to focus my response primarily on the police. Dr. Bard has identified and discussed two opposing philosophies regarding the police response to wife beating. The first proposes to limit police discretion by requiring that an arrest be made whenever an assault has occurred. The other philosophy that has emerged is one that supports maintenance of police discretion and an improved response through training.

Limiting the discretion of the police is clearly not the most appropriate course of action in my opinion. This approach oversimplifies an extremly complex situation and effectively limits the alternatives that may be available to deal with the problem. This is not to say that an arrest is not an appropriate alternative. When the crime of wife beating has occurred, an arrest should be made. However, there are many times in domestic disputes that arrests are not appropriate and to make an arrest may aggravate the situation or delay dealing with the real problem. Limiting discretion also tends to reinforce the notice of many police officers that domestic disputes are not real police work and would tend to support ignoring the problem when assault has occurred for which an arrest should be made.

This would be a grave error since the research that has been conducted suggests that persons involved in domestic homicide and aggravated assault usually have a long history of conflict. They frequently have arrest records and also have frequently been involved in previous disturbances. Limiting the discretion of police officers would be severe setback for those who desire an improved police response. The most unfortunate aspect of this philosophy is that it would ultimately result in less help for the victim.

I must agree with the position for maintaining the discretion of the police and improving their response with proper training. The problem in this area is determining what type of training should police officers have and how much. There has been several training models developed and has been reported that 71 percent of the police jurisdictions provide some type of crisis intervention training. Nevertheless, we have little knowledge of how effective various training programs are. This is perhaps understanding when one considers that police knowledge is extremely limited on domestic disputes themselves.

This obviously has an impact on decisions regarding training and program developments of the police department. This requires that police administrators across the country take a strong lead in redefining priorities in police training. As much as 20 percent of the calls for service in some cities involve disturbance situations of some type. Most of the contacts a police officer has with an individual are crisis type situations for the individual involved. For these reasons I believe that all police officers should receive training in crisis intervention techniques, and should be required to develop and maintain these skills. I do not favor the specialists concept for crisis intervention. The frequency and seriousness of domestic disputes indicate that these skills should be a basic requirement for all police officers. In my opinion, this is the only way we can realistically expect to develop an acceptable police response in this area. Although the police need adequate training to effectively deal with this problem, they cannot effectively solve the problems causing the dispute. Therefore, a referral system needs to be developed that will be able to provide assistance beyond the emergency.

This is as critical as the need for an improved police response. Unfortunately, referral systems have been a weak link in most of the crisis intervention programs. These services are generally not available during the time that they are needed. This situation causes most people to wait until an arrest has been made and the court requires their use. Perhaps one of the most needed referral services is a shelter for battered women. In most cases the woman in this situation has few places to turn for help if her financial resources are limited. Shelters can provide basic needs and help a woman adjust to living on her own.

The concept of diversion from the criminal justice system for domestic assault cases is one that I support. This is one area where I believe the system tends to compound the situation for cases where injury is not serious. Diversion has a much greater chance of dealing with the real problem at less cost to the victim. My preference is the type of diversion program established in San Francisco. This program enters the problem very early and does not wait until assault has occurred prior to providing the needed help. The earlier assistance is provided that addresses the real problem that contributes to a situation where a woman is physically abused by her husband, the greater the potential for minimizing the abuse. I have several recommendations for the Commission's consideration.

First, basic research in this area continues to be a critical need. Police do not have enough knowledge to make even the most fundamental decisions regarding the most appropriate response to wife beating. Second, the police must be forced to develop the skills necessary to adequately deal with this problem. The police must be able to diffuse the situation, diagnose the problem, and take the most appropriate action including arrest when the situation warrants. Third, services beyond the police response must be developed and be made available on a 24-hour a day basis. Although the police are the main target of the criticism for the lack of concern in this area, they have begun to see the need of an alternative response, which is more than most social service agencies have done. Fourth, shelters for the battered women should be made available for women who need to get away from living with abuse in their daily lives. Thank you.

COMMISSIONER SALTZMAN. Thank you, sir.

Response of Charles Schudson

MR. SCHUDSON. Look at me, do you see that I am nervous? Well there is a reason for that. I am very much out of place today. Because, as you see, about 2 years ago, you would have found me in jeans and sweater, sitting perhaps with you in a circle as district attorney learning about and being sensitized to the problems of battered women. At that time I was helping develop the battered women project in Milwaukee's D.A.'s office. It was funded by the Law Enforcement Assistance Administration. The project lasted 1 year. It was evaluated by LEAA as well as by a number of other agencies. It was 1 of 41 LEAA-funded victim witness projects. And of all 41, it was selected the best one in the country. It was named as the one that was serving the interest of the battered women like no other. At the end of one year, it died.

So I want you to look at me because I'm out of place. I was in a sweater then and I am in a coat and tie now, and there is a reason for that. You see, I'm on loan from the Smithsonian. And at the conclusion of this conference, I'd like you to go out in the mall and you will see me wandering somewhere between the Wright Brother's airplane and the Wilkie campaign buttons, awaiting the case that they are building for me and other famous persons who are now defunded persons.

Now don't worry, I am getting to the paper. You see I have a trick and I only have 10 minutes, so I wrote the paper specifically addressing the papers that were presented. I have left approximately 75 copies at this table and the one in the back. I ask that you pick one up at the conclusion, then I won't feel pressured to cover every point.

There are two papers here; the last two pages are an article that I wrote. It was published in *Response* magazine in February of 1977. It describes the nuts and bolts of the Milwaukee Battered Woman Project. In effect, it shows what can be done.

The other paper is the one that I will summarize now because what I want to leave you with today is a concept of the criminal justice system. It will lead you, I hope, to do two things. First of all, do exactly what you are doing, that is, maintaining every possible effort to put pressure on the criminal justice system to respond to the needs of battered women. But the second thing is something I don't think I have seen done yet, that is to remain ever vigilant once you succeed in the first step. Because once you get your program financed, and once you get the shelters and once you get the D.A. who is willing to take the time, put on the sweater and sit on the floor, your work has just begun. Because at the end of 1 year or 2, or whatever the funding period, the battered women's programs will die, I promise you, unless you maintain every bit of pressure after you have succeeded in the first step.

I want to figure out in the next 5 minutes why that is, and that is a hell of a challenge in 5 minutes. But when I received the papers and the invitation to be here, I realized that it really was an opportunity to confront that question. Why hasn't it succeeded, why despite our success have we had tremendous difficulties in helping women? And, despite the success and despite the applause across the country, why did we die?

When I read the papers, I came upon a common presupposition that adhered to every item I ever read on battered women. You will find either in the preface or first page a very nonchalant statement about the breakdown of the extended family. You have read it several different ways. Somehow, the presupposition is that 50 years ago or 100 years ago in American society, there were these extended families. Somehow or other they could handle the battered woman's problems.

Now there are two things that I've had difficulty with. In the first place, it gets passed off in a paragraph, and no one asked, what did it mean "handle"? Frankly, I have not done research on this and I suspect there is probably some good in sociological research to ask how 50 years ago the extended family dealt with the battered women problem. I suspect in some cases, "handling" was merely containing her, accomodating the violence, and making sure that it didn't spill out so that the community wouldn't know about it.

Let us set that aside for a moment, and assume that, in fact, the extended family did do a very good job in coping with the problems of battered women in the family. Accepting that as our presupposition, what was it then about the family that enabled it to help battered women? I identified three very simple, obvious things. The first is immediacy. The first factor of immediacy is that, if my sister is battered and I am in the extended family, I can and will judge it and I will end it. The second factor after immediacy is interest. As a member of that family, living in that home, I have a vested interest in stopping that violence. I don't want it to extend to me, I don't want it to influence my reputation or the other people in the family. The third factor after immediacy and interest is authority. As a member of the family, I have the authority to deal with that violence. I can be a buffer with the other members of the family. I can deal with the underlying drinking problem, perhaps. And if worse comes to worse, and we have to banish that member, what else can I do? I can keep the victim at my side, shelter her, and comfort her.

Now where in the criminal justice system have we ever found comparable immediacy, interest, or authority? It simply does not exist. Mind you, it does not exist despite the fact that there might be some well intentioned people in the criminal justice system. So, the lack of immediacy, interest, and authority that I'm addressing today is a lack of immediacy, interest, and authority that exist, exclusive of any personal resistance or hostility to the cause of battered women. In my office, for example, there was a tremendous desire to help with the problem. Despite that, inherent hostility of the criminal justice system prevailed. I want to address that briefly.

In the first place, immediacy. As we have heard, the first contact between the battered women and the criminal justice system is arrival of the police. Now the delay between the battery and the arrival, whether minutes or hours, denies the opportunity for that immediate judgment and control that the family had. Now that is in practical terms, and it is in legal terms because how often, as a prosecutor, have I heard other prosecutors say to a police officer, "You won't be subpenaed because you didn't see it." Now, the poor police officer who says, "yes, but it's my neighborhood and I care and I want to help that woman go through the system"—well, he or she will have to answer to the captain who says reduce police overtime. You must not spend extra time assisting or subpenaed to court to do so.

Let us consider the most crucial thing, and it can be evaluated in the criminal justice system from two completely different perspectives. If one assumes, in the first place, that the criminal justice system is designed to eliminate crime or at least to apprehend and prosecute the more serious crime, family violence ranks very low on the list of priorities. After all, family violence has little obvious criminal impact beyond the family unit. It is difficult to see that family violence in this generation can contribute to crime in the next. However, on the other hand, armed robbers tonight can be armed robbers tomorrow. That is easy to see. But ironically, even if we assume an opposite, very radical, political perspective on the criminal justice system, the status of the battered women remains absolutely the same. If, as someone suggested (for example, you might refer to the works on criminology by Richard Quinney) the criminal justice system is not dedicated to the elimination of the crime, but rather to its perpetuation in ways that nurture the health of the criminal justice system in society, family violence would still be ignored for either one of two compelling reasons.

Now follow this please. First, if family violence passes from one generation to the next and is fundamental to the continuation of violence in society, then to prevent it would be to undermine a primary source of crime. And without crime, the criminal justice system goes no where. But let's go a step further. We come to a different perspective. Even if inherented family violence is nonexistent or not fundamental to crime, methods to eliminate it would not materially contribute to the strength of the criminal justice system. Why? Apprehension of family violence does not require sophisticated technology that attracts grant proposals from police forces trying to modernize their crime fighting capacities. The D.A.s do not advance their careers by counseling battered women or prosecuting misdemeanor battery cases. Additional attention by the criminal justice system to family violence could add strength to other professions such as social work at the expense of resource allocation to police, prosecutors, and prison.

In short, while families had a vested interest in the elimination of violence in order to preserve themselves, the criminal justice system has no comparable interest. To survive, the family had to eliminate or minimize violence. Women can continue to be battered and isolated in each home or apartment, while at the same time the criminal justice system thrives by pursuing car thieves and robbers.

Now this paper, which I will not read, deals specifically with the plethora of proposals, relative to police discretion and nondiscretion and various projects and techniques. I do not mean to render any disrespect to those proposals, some of them do work and some are excellent. But please remember in the criminal justice system there are some people who are absolutely passionate to deal with the problems of battered women. Yet, despite that, there are inherent within the criminal justice system, functions and structures that will always militate against those efforts. Be mindful of those so that once the projects are in place, you realize that the work has just begun.

Discussion

COMMISSIONER SALTZMAN. Thank you. Before the Commissioners engage in dialogue with the panelist or the presentors of the papers, I am going to ask the presentors if they would like to make a very brief comment at this point in response to the respondents. Dr. Bard?

DR. BARD. You should have guessed. What we had demonstrated here was a different strategy of social change from the strategy I've been employing over the past 10 years. The initial statement made by Ms. Bako, seemed to imply that through some sleight of hand I presented a paper other than the one I had submitted. I was asked to do a paper by the Commission, as you gentlemen know, on the basis of a request that I take a particular approach to a particular problem and analyze it in my own way. This which I prepared with Dr. Harriet Connolly, was submitted in a 35-page form, which obviously could not be read in 15 minutes of verbalization. This 15 minute summary is from that paper. So that most of the essence of that paper is included in the summary. I thought you and the audience should know that.

COMMISSIONER SALTZMAN. We really appreciate your summary in the timely fashion you have presented it.

DR. BARD. Thank you. Dr. Connolly and I made every effort to deal with this objectively and rationally. I can understand the different form of social change effort which involves polemic. We have been exposed to some of that. The use of personal experience, above all else, is a vital and important way of achieving social change. As a specialist in social systems analysis and change within the field of social psychology, my way is somewhat different. I think what we have seen here today is that difference expressed. Some of the quotes were misquotes. Some of the attributions from the paper were misattributions. I cannot deal with them at this time. The audience will have an opportunity to read the paper when it's published and see whether the thing is at least rational and consistent within its position. Thank you.

COMMISSIONER SALTZMAN. Ms. Lazslo, would you like to make any comments or Judge Johnson?

JUDGE JOHNSON. I don't have any comment at this point in time. But I would be responsive to any questions that the Commissioners have or the audience.

COMMISSIONER SALTZMAN. Chairman Flemming, would you like to ask any questions?

CHAIRMAN FLEMMING. Going back to Dr. Bard's presentation and summary of his paper, I gather that first of all you are in agreement with quite a number of persons who have made presentations today relative to the need for more reliable data.

DR. BARD. Absolutely.

CHAIRMAN FLEMMING. I gather that is agreed to by everyone who has appeared before us. I also gather that you recognize two possible approaches on the part of police departments but that you believe that emphasis should be placed on police as managers in disputes. Is that a fair summary?

DR. BARD. My data leads me to believe that that is a larger portion of what they in fact do, yes.

CHAIRMAN FLEMMING. As you analyze their role, as they play that role as manager of disputes, as you project your thinking into the future, have the members of the legal profession also played that role, and if they have, do you see a possibility of their playing a more significant role? When I say "members of the legal profession," I am thinking of members of the legal profession who would be, in effect, acting as advocates?

DR. BARD. I have not thought of it in exactly that way, Dr. Flemming. I believe there is much room for contribution by the legal system to the problems we are considering. I have difficulties in my paper with the difference between cases which involve battering and those that existed in the context of the greater family difficulties. Now there is adhered no resolution of outcome that is expected by participants from the third party. The police officer becomes a third party, instantly available. Where he can be guided and information can be given to them and help be available to them from the legal sources, that would be just a marvelous addition to capabilities.

CHAIRMAN FLEMMING. I recognize that the district attorney comes into the picture here as a member of the legal profession. What I'm doing is linking this up with the discussion we had this morning. We were discussing the role of Legal Services Corporation and the role of the lawyers connected with the Legal Services Corporation in terms of being of help or being of assistance in situations of this kind. Now, I recognize that you have kind of a confusion of roles here as between the district attorney and the lawyer coming from the Legal Services Corporation, thinking in terms of both representing the interest of the battered women. But there is this emphasis on the police as managers of the dispute. You have recognized, Mr. Stephens, that this means there has got to be a real investment in training of the police if they are going to function effectively in this particular capacity. But in addition to that, do they need assistance, so to speak, at some point from the members of the legal professions, who are thinking solely in terms of the interest of the battered women? That is the questions I am trying to pose here.

Ms. Johnson, you may have some views on this also. This morning there seemed to be a feeling that there was a role. There seemed to be a feeling that that role was not being played to the extent that it should be played by those who are part of the Legal Services Corporation.

JUDGE JOHNSON. Just one point of clarification that I would like to make is that Legal Services Corporation, that you are talking about, is an entity that has been created by the Federal Government to help those persons who do not have access to legal services because of their economic state, that Corporation, right after it was restructured, was specifically told and specifically in its charter, that it cannot involve itself in matters that are of criminal nature. So if you are talking about remedies available to battered women in that utilizing the criminal justice system or criminal system, you can't involve Legal Services attorneys in that capacity. They are restricted from involving themselves in that. One of the reasons for that restriction is because many of so-called Legal Services attorneys were involved in that kind of system in order to, just what we are talking about, and that is to create social change through the law. And that was taken out of their ability to function, and I doubt unless they have made a change in that system, whether or not they would be able to play a crucial role in this particular problem, this particular situation. Now there are cities, some States such as the State of New Jersey, that have set up their own program to help indigent people who are in criminal situations and can't afford attorneys such as what they call public defendants. I don't know if they exist in every State. However, the people that are protected by the public defenders are the defendants as opposed to the victim. So that would not help the battered women to the extent that we are talking about.

CHAIRMAN FLEMMING. The point that you have just made point because there is that restriction built into the law, a restriction which personally I feel should not be part of the law dealing with the Legal Services Corporation—a restriction that this Commission has gone on record a number of times as opposing. But would you agree with me that that is the kind of restriction that we should try to get removed from the Legal Services Corporation law so that they would be in a position to be of significant help and assistance to the battered women?

JUDGE JOHNSON. I will go on record in agreeing with you that Legal Services Corporation ought to be opened up to allow their services to be available to all those who need them for whatever reason, instead of just restricting it to whatever people feel that are things that are not going to be sensitive or not going to be explosive. The situation such as battered women is one of the things that they could definitely exclude. So I think we ought to go on record as stating that Legal Services Corporation should be allowed in some capacity to deal with this particular problem to the extent that it is the court and advocacy kind of proceeding.

CHAIRMAN FLEMMING. Any of the panel over here want to add to that or respond to that?

MS. HARRIS. I can add to that. In Pennsylvania, it was Legal Services Corporation attorneys throughout the State who were responsible for drafting the Pennsylvania Protection Abuse Act and Legal Services attorneys in conjunction with women's groups throughout the State, who lobbied that act through the State legislature. I was not involved at that time and very possibly that effort was allocated to the Pennsylvania Legal Services Corporation money. So it may not have been controlled by Federal guidelines. The main problem that remains is the access for women to Legal Services. In the case of criminal prosecution, she is represented theoretically by the district attorney. The district attorney has not always done that job without prompting from Legal Services. I personally often find myself an advocate on behalf of the battered women with the district attorney's office, calling up and saying, "This was a felony, why don't you treat it as a felony, after all, my client's husband shot at her?" We act as advocates in that informal way. But really doesn't this need to be the role of any attorney. It shouldn't need to be done at all.

To the extent that it is done, anyone can do it. Because I say I'm a lawyer and I call up and say I am a lawyer, people will listen to me. So I can read the statute to the district attorney. That doesn't need to be a Legal Services attorney's role or anybody's role. The main issue though still remains, access of all people for legal services, and I think that is essentially a funding issue. In Philadelphia, there are 800,000 people eligible for legal services, and only a small fraction of these people can ever get to see an attorney. I think it is as much a funding problem as the guideline problem in the area of services for battered women.

CHAIRMAN FLEMMING. Your observations, growing out of your own personal experience, indicate that you acted as an advocate in dealing with the district attorney. You say that that is not needed. I guess what you are saying is that it shouldn't be necessary. But, as a practical matter, isn't it necessary in a fair number of instances?

MS. HARRIS. What I'm saying is that it is essentially a nonlegal role. I am not involved in that case. It is a criminal matter, the district attorney represents in criminal matters. I cannot appear in court with my client even when I know she is pursuing a criminal matter to argue her case for her. The district attorney should call witnesses in advance. They should subpena witnesses when necessary and talk to my client before the case in order to find out what is necessary. This, in many cases, is not being done. It's that kind of advocacy on the part of the district attorney, which is required in a criminal case, and not the intervention of getting another lawyer who is essentially a civil attorney and not adept in the criminal process.

CHAIRMAN FLEMMING. I get your point and yet I feel that there are times that if the person involved is going to press the case that person does need the advice of an attorney so to understand the law and understand the procedure and the way the case ought to be moved. I appreciate what you are saying, namely that you don't have the right to appear as attorney for this particular person. But I do feel that under some of these situations they need help and advice from the lawyer.

Sometimes that will come from the district attorney but not always, because not all district attorneys will approach this issue in the way we would hope they would approach it. I don't want to go too far. Of course I agree with your fundamental position completely.

Judge Johnson, I was interested in your analysis of statutes and your conclusion that as the matter now stands, the statutes are not adequate. Again, I don't know whether you were here this morning or not, but we were discussing the fact that not only are the statutes not adequate, but that they differ a great deal from State to State. The question was raised as to whether or not some attention should be given to the development of a model State law dealing with this specific issue. The point was brought out that we really need it in the whole area of family law. But I am thinking of this specific issue, of whether or not we could make a contribution by getting those who work on model State laws to develop a model State law in this area. Then this, in turn, could be an important tool for advocates to use as they deal with State legislatures.

JUDGE JOHNSON. I tend to agree with you, Dr. Flemming. What I indicated earlier this afternoon and in talking about the statutes that are available and how they do apply to a given battered women situation, really are sort of Band-Aid patchwork kinds of statutes. I did hear, I think Ms. Harris mentioned earlier, that perhaps you don't really need to change the statute or specifically geared toward battered women. But I suspect that in the long run, when we go through all the different aspects and the different problems surrounding the battered women, that perhaps you will need a statute of some kind or some kind of attention paid to that particular problem of battered women. I don't think that the statutes were designed to address that problem in the manner in which we now seek to have it reviewed.

I do feel that if the legislatures throughout the country would review the problem and the matters that we are talking about today and will be talking about tomorrow as well, that a model statute would be available for all States to utilize throughout the country; this would alleviate some of the discrepancies from one State to another. The same as the proposed model for penal codes from the Federal statutes, also try to give some guidelines to all the State statutes, so they would not commit a crime in New Jersey and get 2 months, and commit the same crime, say in Oregon, and get 20 years.

CHAIRMAN FLEMMING. Thank you very much. I was fascinated by the introduction of this concept of the mediation approach and your analysis of experiences that some have had under this approach, Ms. Laszlo. I was particularly interested in, I think you referred to the mediator as a community member mediator. Is that the expression that was used?

MS. LASZLO. That is correct

Chairman Flemming. I have just one question that I would like to ask out of curiosity. Did you notice any tendency to use older persons as mediators?

Ms. Laszlo. No. We didn't find that at all.

Chairman Flemming. Do you think as a result of your analysis, that perhaps a source for mediators that might prove to be helpful might be the older person?

Ms. Laszlo. Certainly, we are not putting an age range on our mediators.

Chairman Flemming. This Commission has just put out a report on age discrimination. Also I have been functioning as Commissioner on Aging. So this is kind of a question of personal interest I should say.

Ms. Laszlo. They range in ages because they are community volunteers, and they are all trained through an intensive 40-hour training period. So it is just community volunteers who have expressed an interest in working with the Dorchester community.

Chairman Flemming. I personally am very, very much interested in the mediation function, in the way we are using mediators more and more in our society. Consequently, I'm very interested in your analysis of their use. I have had a theory that an older person can function in a rather unique way as a mediator.

I go back to the question I was asking earlier. Do attorneys participate in this process at all, in this mediation process?

Ms. Laszlo. No, there are no present attorney present.

Chairman Flemming. Do you see a role for attorneys in the process in terms of maybe protecting the rights of battered women? As you indicated, the court can put some pressure on for the matter to be submitted to mediation, and the court could take the next step, binding arbitration. Under those circumstances, particularly, would you see a role for an attorney in terms of protecting the rights of battered women?

Ms. Laszlo. In answering that, I am wondering if the Commission would rather have that answered by my co-author, an attorney.

Chairman Flemming. We would be very happy to have him come up.

Mr. McKean. Thank you. I think that the feeling of the mediation panel was not to have attorneys, that attorneys get in the way. The purpose is to have community members who facilitate and help the people reach their own mediation agreement, somewhat along the lines of, I think, the theory: you give me a fish today and I will eat. You teach me how to fish, and I will eat tomorrow. And kind of trying to help people to resolve their problem. We hope that the problem will be solved by the parties themselves without resorting to violence. Community members would be able to get closer to the problems involved and would also get the community involved in the whole problem of wife beating or whatever the mediation agreement concerned.

CHAIRMAN FLEMMING. Thank you very much. I won't pursue any further at the moment. Commissioner Saltzman?

COMMISSIONER SALTZMAN. I will give you another opportunity later. Commissioner Ruiz?

COMMISSIONER RUIZ. The last thing I did when I took an airplane out of California yesterday to come here was to read a news report which said, "State readies proposal for neighborhood mediation units." This came out in a legal newpaper. And said, "Sweeping new plan to establish neighborhood mediation centers for small civil and criminal matters that are not handled by the courts, to be introduced by the end of January." That is for the State of California. A bill is being drafted by the legal staff of Governor Edmond C. Brown providing for a system of small community gatherings, in school buildings, church halls and fraternal lodges, with lay citizens acting as mediators which will help the neighborhood to solve disputes. The centers will handle mostly interpersonal conflicts between people who have an ongoing relationship, such as husbands, wives, girlfriends, boyfriends, landlords, and tenants, he explained. Now, here comes the situation that we were just discussing. How about lawyers? The issue of lawyers participating is a real issue, Mr. Chairman. There are some people who believe that lawyers sometimes make only things worse. As was stated by the panel, some people never get to see a lawyer, and are afraid of lawyers. Let me add the following on this very point. Says the article, because it is sponsored by lawyers and experimental neighborhood justice centers already underway in L.A., such a law may be barred from State funding if the present drafts of the Governor's mediation bill be enacted.

"Naturally, we are opposed to the restrictions against lawyers services as mediators or as board of directors in government," said Joel Edmond, director of the Los Angeles County Bar Association and Neighborhood Justice Unit Project. We had some pretty adverse things to say when the Governor's staff "gave us the draft for the bill." Edmond added, "I think the Neighborhood Justice and the County Bars wherever established in distinct areas, have lawyers who are committed to the people of their communities." I won't go into these articles much further, but there seems to be a real conflict. Both sides have very good arguments. I happen to be a lawyer and know there are lawyers who are sincere in this. I think the Chairman is correct when he goes into this issue by stating that there should be a wide open analysis of the needs to be met.

I would hate to see lawyers taken out of this not because of fees, as there are in other areas of the law of public service, which the bar has gone into of late. I think that the Legal Services Corporation should be given jurisdiction to help those lawyers who need help.

One last item, Ted Kennedy is introducing legislation, excuse me, did introduce legislation a few months ago setting aside $50 million to encourage neighborhood centers nationwide. We are on course as far as being right up-to-date is concerned and the record we are making here is going to be very valuable.

COMMISSIONER SALTZMAN. Ms. Bonosaro?

MS. BONOSARO. I was struck in reading your paper, Ms. Laszlo, by the contents of some of the mediation agreements, particularly that very few of them seem to include any promise of no future violence. In fact, they seem to address concerns that obviously have not been at issue for the specific incident of violence. I can understand that you can argue that such concerns were overriding problems in a long term relationship. I wonder if you could comment at all on the quality or the contents of those agreements, and if you have any notion about the relation of the contents to the couple's difficulties.

MS. LASZLO. In terms of the contents of the agreement, which I think we clearly state, that the agreement of panelists seem to focus on what caused the initial violence, although the agreement did not say I will no longer hit my wife or I will no longer slap her. Often that slapping or that hitting was directly related to visitation rights in terms of children or agreeing or not agreeing to act in a particular manner. I think the other category that we need to look at is the theory of no contact.

We talked about a portion of our agreement where the disputants agree not to have any contact with one another. Although they didn't in so many words say, we are not going to hit, they did agree to have no contact. I'm not sure whether Mr. McKean would like to comment on some of the others.

MR. MCKEAN. I can only briefly add that, perhaps a lack of the specific wording, as much as possible the terms of the agreement were in the language of the participants. And I think the agreement would have been considered a breakdown had further violence occurred. On the whole, the problem, I don't think, was quite as severe as the cases we were talking about generally or just one incidence of slapping or hitting with the fist, or occasionally being kicked with the foot. But it was not a situation in which —these were cases which were diverted cases—in which the problems were so serious that we felt diversion would not play a role and the disputes would follow the normal criminal channels. I think we are talking about a select type of case and the agreement is not to see one another or attempt to get along. And parties that attempt to get along would be trying to solve what the parties themselves saw as the problem.

Judge Johnson. I just wanted to make one comment. And that is, in New Jersey, specifically in Newark, the municipal court there did has a diversionary program. First it started out as an informal complaint. An informal complaint used to be heard by the judge as well as formal complaints. The formal complaints would be heard in their chambers and they would be, so to speak, dispute mediators. However, because of the volume of cases, not only in the areas of assault and battery and battered women, but also all kinds of other areas, it becomes impossible for the judges to do this on a daily basis in their chambers.

So they did get a program funded to allow a group called the Youth Neighborhood Services to be the diversionary people. So that when these kinds of cases came before the court, the judge or one of the municipal prosecutors would recommend that this case was right for being diverted to the neighborhood and family services group. They had set up an appointment with the couple and the couple would come in some evenings, Tuesday or Wednesday, and they would sit down and hash out their problem and try to arrange resolution of the matter. The courts would still hold the case at this point, it was still would be initiated as a complaint. This group would then make recommendations to the judge as to how they felt the case ought to be handled. And how the parties interacted at the time they came in for this discussion.

Now one thing that I found from sitting on the bench is that I wanted to ask this gentleman about whether or not they found that the people involved in the mediation, meaning the victim and her spouse or lover or whatever, whether or not they were really happy and satisfied with the mediation process, because it was my experience that quite a few of the people who were diverted to these mediation processes really didn't want to be there. They preferred to have their matter aired in court and have a judge either reprimand their spouses, arrest, send their spouses to jail, to have it on record and in court.

To go into another room, or another area, whether or not he'd be in a courtroom building, seemed to take away their whole reason for having filed a complaint to begin with. I found that a lot of them that went through the mediation process still wanted their case to be tried as a regular case. Still they wanted the judge to have some sort of final say-so to the offending spouse, to threaten that if they ever do it again, the judge would throw them in jail or whatever. But I found that they were very reluctant in many instances to go through that process successfully.

MR. MCKEAN. I think that it is more of an issue of how the procedure is followed and what the procedure was. The district attorney would sit down and talk with the victim about what had happened. So that we found that there had been an ongoing relationship presented to the victim, whether or not they wanted this case, what they thought of the relationship, and whether or not what they felt the repercussions of this case would have on that relationship.

Very often they were people who would say that this was an incident, that there had been prior incidents, and they just wanted help, that they did not want the defendant in the case to go to jail; they just wanted some type of intervention that would prevent this from occuring again. At that point, the victim, the wife would be taken back before the judge with the defendant, and both parties would be asked if they were willing to participate in this diversion program. Within approximately 10 days there would be a meeting with the urban court panel and an agreement would either be reached or not reached. It would then be brought before the court once again, then the agreement would be presented to the judge that both parties had signed at the earlier time. The judge would then ask the victim whether or not she was satisfied and thought it was a workable agreement. If the victim felt that it was, and the problem had been worked out together, the case would then be continued for a 3-month period.

After the 3-month period, the case would be once again brought before the court. At that time the judge would once again ask the victim whether or not she was satisfied with how the agreement had been working. If it was a feeling that the agreement had been working, the case was generally dismissed. If there was a hesitation or feeling that there were some problems, the case could either be at that point set down for a trial date on the initial charges or continued for another period to determine whether or not the parties could work together. So I think that there was not a cohesive aspect to it. Responding to the point of the attorneys, I think the feeling was throughout this process that to try and take the cohesive aspect out. If I have a professional involved in the mediation, it would perhaps make it more cohesive. That these people have been trained mediators, allow the parties themselves to try to come to terms.

MS. BONOSARO. Mr. Schudson, you offered a very thought provoking analysis of the justice system not being responsive to the needs of battered women. Can you tell us some ways to introduce incentives to meet those needs?

MR. SCHUDSON. I am not sure that there really are ways to introduce incentives that would shift the criminal justice system. I see it rather as shifting the focus of those who are advocates for battered women so that some of the expectations for the criminal justice system are revised.

As I see it, a battered women's problem is one that is helped by a coordination of many components, only one of which is the criminal justice system. Even when the criminal justice system is playing some kind of role through a diversion program or prosecution, our experience was that our efforts were futile, and our enforcement of the diversion program only occasionally successful, unless we coordinated it with other components. It also goes to the question raised earlier, about the role of the attorney and whether there should be a continued advocacy of an attorney or someone else for the woman and if she should proceed through criminal or diversion program. I think there has to be a continuing advocacy.

In Milwaukee, we were blessed with the Task Force on Battered Women. We asked that they come in and share in the screening process either before the woman came to our office or concurrent with the woman's approach to our office. And whether or not we issue a criminal charge, or begin a diversion program, we asked that there be that continuing tandem between the task force and the victim. What we found so difficult was coming to any formalization or generalization and saying, "This works for women, this is how we should handle these kinds of cases." Instead what we found and what continues to make it so difficult is that every single case was different. It was really our task to try and fit a suit of clothes to each one.

I think this is important to realize in looking at the criminal justice system. In cases throughout the criminal justice system, murder is easy. Every district attorney knows what to do with a murder case—you issue the charge. The most difficult case is one like battery. In fact, if the murder case comes, 10 or 15 minutes is all that is needed to determine what to do. The average initial interview between the battered women and myself, lasted 45 minutes to an hour. And that was only the first in a series of interviews.

We found we were most effective when we, first of all, asked the woman what the determining factor in deciding what was going to happen to her case. That is a very controversial thing because many of the proposals are to limit the discretion not only of the criminal justice system, but also to limit the discretion of the woman. I have had many situations, probably a dozen over the course of the years, where we would issue the charges, and later the woman would come in and say, "Please dismiss those charges." I say, "No," because we did a tremendous amount of screening to begin with. We had made an agreement to go through with it. To dismiss the charge at that point weakened, in the court's view, all the battery cases we were bringing into the court. We couldn't do that. And that was very difficult. There was a woman saying, "Look, we have reconciled." We don't know if there was a threat to cause that statement. But parts of the limits of discretion that are urged throughout the criminal justice system are also limits on the discretion of the woman. We would try and say, "Look, here are your options, what do you want to do?" That very often was one of the first times that the woman was confronted with that question. Regardless of whether she had dealt with that question before, we wanted to make sure that whatever the woman wanted would be available.

One of the most crucial things was an organization called Women's Pro Se. It is group of women who have gotten their own divorces and they are available for other women. Very often a woman would come along and want a divorce. But it would take 7 months to get the appointment with Legal Services, and she couldn't afford an attorney. Similarly, there were some cases where the woman just wanted us to bring the man in and explain to him that hitting her was against the law. Very often the women definitely wants criminal prosecution, but where she first came in and said, "I want a warrant," she modified her view when she understood that the issuance of a warrant would follow, in 24 hours, by arrest, and in 36 hours, by the release of the arrested person because the maximum bail was $200. So we didn't say no. We wanted to couple it with her understanding that that man might be out in 36 hours hotter than he was before. We wanted to make sure that women had a place to go for continuing protection.

This would all require resources. So I am really dancing around your question. It is only to say that what has made this always so difficult for us is that each call was so unique and required such an analysis and confrontation of the woman in asking her, "Where are you going on this? What is your attitude? What do you believe?" Very often there is a woman in the D.A.'s office for the first time perhaps after 16 or 18 years of marriage saying, "I guess I don't want to be with him anymore." Well, that is not the sort of thing that you just want to spin off to law student interns. You want to make sure that that woman ends up in the right place, with the right person who understands where she might want to be going.

So I think the adjustment I see in the criminal justice system is that it learn to coordinate well with the civil attorneys, with the various task forces on battered women, with the courts and this is crucial too. Because despite our intensive screening, we often went into court to find out that the judge had not yet been educated. And we have to say, "Look, your honor, understand now that when there is a battery case coming from our battered women's department, it is one issued only after the most certain consideration of all other possible efforts. Do not cheapen the issuance of charges by looking at that man and saying, "Oh, a family spat, um-hum, $50." So that kind of coordination has to go through the criminal justice system right to the bench.

I don't see the criminal justice fundamentally changing. But I do see those who are trying to shape it understanding that it must be coordinated with a variety of other components.

Ms. LASZLO. If I might briefly respond to that. If you look at our work in terms of court diversion, our project works hand in hand with the district attorney and that victim specialists, as they are termed, who is clearly a social worker type, comes to the team with the assistant district attorney to provide direction and services. I think that interdisciplinary approach in dealing with victims who come through this criminal justice system as exemplified by this concept of victim witnesses assistance makes a great deal of sense. I think we really would have to agree with you that it is one of the most essential ways that the criminal justice system can respond to the needs of victim witness.

MR. SCHUDSON. Absolutely true, and in our program we have victim witness support unit. we also have what is called the witness emergency unit. Now when we lost our funding, we only lost one D.A., but we lost other components. It just seems that women coming for assistance should be linked with an advocate who could be checking with her daily by telephone, giving moral support, and just being concerned about her. Crucially, if three nights later that woman received a threatening phone call, we would have a deputy sheriff, who is a member of the witness emergency unit, there at the home to provide continuing protection. Once we lost those two units, we felt that even though we still had some district attorneys left in the project, that we would be holding out false and very dangerous hopes to a woman because we knew that we no longer could protect her. Remember in viewing how a program like ours was funded and then defunded, the "frills" are defunded first. But that coordination apparently worked for you as it worked for us.

COMMISSIONER RUIZ. This coordination that you are talking about is specifically provided for in the California proposals, "The draft bill sets up a program for establishing the neighborhood centers through the State Office of Criminal Justice Planning for a 3-year trial period. The centers can be sponsored by any corporation, organized exclusively for mediation, religious, charitable or educational purposes, not organized for profit, in which no part of the net earnings are to the benefit of any private shareholders or individuals." The sponsors are beginning to line up for funding from the Federal Government by doing that. And it very specifically provides that this should be done through the State office of criminal justice planning, just as both of you were saying.

JUDGE JOHNSON. Could I just add one more thing. I think it is also important that we realize, even though we are always mentioning it whenever we talk about problems dealing with women, that is also alluded to in my paper, that we need to advocate more women to be involved in the criminal justice system. Now we have talked about these supportive services, generally the people who are involved in supportive services, except social workers, are women. But 9 times out of 10, the person who is the prosecuting attorney or the person who judges is not a woman. I am not saying that a woman judge or a woman prosecuting attorney would bend over backward to go out of the way to help a woman. But I do say that psychologically the approach and manner in which the victims and/or the spouse who are committing these kinds of crimes react, for instance, to seeing a woman judge and a woman prosecutor, when he is being charged with assault and battery of his wife, he takes it a little more seriously.

For example he doesn't say—oh well, another dispute, $50—because he knows at least the woman will listen if not enforce the laws to the extent that they should be enforced. I think it is the presence of more women in these different levels that would also help psychologically both sides of the situation.

COMMISSIONER SALTZMAN. I'd like to address a final question to Mr. Stephens and Dr. Bard. As a practical matter, the comments that were made today by both you and others indicated that the police are really the front line most often with respect to family violence. You are both suggesting that perhaps more effective training would be helpful to the police in crisis management. But I also heard that police have a self-image in which crisis management is viewed as social work and not appropriate to their particular task. Now, how do you reconcile those two factors?

MR. STEPHENS. Commissioners, I think the way this is reconciled is by police administrators developing and enforcing policies that recognize that police work involves more than just fighting crime. It is one of helping people as well as responding to whatever needs that the community has decided that the police should respond to. One of these needs is dealing with domestic disputes and domestic assaults. Most police departments have generally remained in the wings and responded to crime and service problems in a traditional manner. Many have not dealt with issues that should be addressed until the public, or a particularly enlightened political person within the system, or a particularly enlightened city manager has forced alternative responses to community needs. The fact is that crisis management is indeed within the scope of the police task, and the police administrator must improve the response in some manner. It seems to me the most appropriate is to broaden the skills police have to deal with human behavior in crisis situations which involve almost everything that we do.

Dr. Bard. In the years that I have been working with that system, there has been a marked change occuring. More and more younger people with education and broader vision of their role are entering that system. The older people who had that image, that self-image of social work not being their problem, I believe they are beginning to leave the system. The changes are remarkable; I've been working with them now for almost 10 years. And I agree with Darrel, that there is a need for building some link between those who practice behavior regulations and those who study behavior. It seems to me that social science is in the business of social behaviorial science, or the science of studying behavior. It seems obvious to me that it is necessary for the people who are regulating behavior to have the product of that knowledge and for that to be occuring together. I think that is the remarkable thing about the immediacy and authority of the police role. At 3 o'clock in the morning there is no one else who can be available, highly mobile, 24-hours a day, weekends, during the summer or any other time, to give help to people who really need it. That is never going to go away. That will always be true particularly in our complicated cities more so than anywhere else. So to point the finger at them and tell them maybe they ought to go away and do something else, I think is in error. Mr. Schudson's comment I think is right on target. The complexity of those problems defy imagination. Each one is an individual and to provide the skill and competence for making the decision necessary and giving the back-up system to support that front line force is really the critical issue.

Chairman Flemming. I want to express personally, and on behalf of all the Commission, my deep appreciation to those who have presented summaries and papers, and those who have reacted to those papers this afternoon. This has been a very, very helpful session in terms of not only of identifying issues, but also in terms of identifying positive steps that can be taken in order to really move forward in dealing with this very, very important issue. I know that all of you have gone through considerable trouble to be here and become involved in this matter. It is deeply appreciated. Before we break up, the project director, who is the person responsible for having brought together this very exciting agenda, has an announcement to make.

[Announcements were made.]

Chairman Flemming. The consultation is recessed until 9 o'clock tomorrow morning.

January 31, 1978

Proceedings

CHAIRMAN FLEMMING. I ask that the consultation come to order please. This morning the presiding officer will be my colleague, Manuel Ruiz, Jr. of Los Angeles. You noted from the agenda that we will start the morning dealing with shelters, an issue that we spent a good deal of time on yesterday. Commissioner Ruiz.

COMMISSIONER RUIZ. Can you hear me?

AUDIENCE. Yes.

COMMISSIONER RUIZ. I was asked to make an announcement that is very important, that there will be no eating, drinking, or smoking in the auditorium. No smoking, no eating, and no drinking, please.

CHAIRMAN FLEMMING. That is by direction of the General Services Administration.

Support Services

COMMISSIONER RUIZ. The consultation has been called to order. Yesterday we made a good start. If you recall, Ms. Del Martin gave us an overview and scope of the issues. We received an insight on law enforcement and justice. The police and court diversion as well as policy changes that are essential, inclusive of the need to find shelters, has gone into a report which will be published in due time. It would take too long to mention all the presentors and panelists. But each participated yesterday and each has contributed to a sum total of provocative issues, which need to be resolved in favor of the welfare of the battered woman.

Today we are going to follow the same format which we used yesterday. Thus, yesterday's papers were submitted for our consideration by presentors who gave oral summaries of their content. Panelists then added their reaction to the same subject and gave their points of view. This morning the consultation will be an extention of where we left off yesterday, calling attention to support services.

Yesterday our discussion ended on the subject of, if you recall, neighborhood mediation centers, working in full cooperation with the criminal justice system. One important support service is shelters, which fulfill the short term needs of battered women. That is where we are now starting.

For the program, Shelters, Short Term Needs, its presentor is Shelly Fernandez. And while I am telling you about Shelly Fernandez, I would ask her to come to the desk which is over here—and here she is.

107

Shelly Fernandez, has an unusual background with relation to having attended various colleges and universities, such as Mills College, in Oakland; San Francisco State, San Francisco; University of Mexico, in Mexico City; Stanford University, Guadalajara, Mexico; Stanford University, Palo Alto; University of San Francisco; Palma de Mallorca, Spain; Kodokan Judo College in Tokyo, Japan; Hebrew University in Jerusalem, Israel, and the University of Rhode Island, in Rhode Island, of course. She has been an instructor, bilingual instructor in various learning institutions. Her activities are legion; I have an entire page here of her activities, and just take my word for it, they are most extraordinary. She has attended workshops and has been involved particularly with battered women. International Tribunal on Crimes Against Women, in Brussels, Belgium. And that is just one of them; National Congress of Neighborhood Women in Brooklyn. So she is local and she belongs to us. Will you please give us the summary of your presentation, Ms. Fernandez.

Shelters: Short Term Needs

Presentation of Marta Segovia-Ashley by Shelly Fernandez

Ms. Fernandez. Muy buenos dias.

Commissioner Ruiz. May I interrupt just a moment. I don't want the panelists to be sitting out there. I would like to call at this time Monica Erler, Annie Flitcraft, and the third panelist, Ms. Black Bear, please.

Monica Erler is a staff member of the Women's Advocates for women. She has a 24-hour telephone service with that group and crisis housing for women in danger and their children. Staff members provide telephone callers and residents with information concerning the services available in the community for women. Also, she accompanies residents who seek medical, legal, and welfare and other community services, providing support to the woman who wishes to have it. Most women say this is a unique experience in their lives, and she will tell you about that. Ms. Erler joined the Wounded Knee Legal Defense Committee when it was founded in 1973. She has been a legal secretary. She is also one of the early participants in the Minnesota plan for continuing education for women at the University of Minnesota. The program itself is a pioneer program. She received a B.A. in English and Humanities in 1968.

Our other panelist, Ann Flitcraft, is a medical doctor. She has received her B.A. degree from the University of Pennsylvania and her M.D. from the University of Yale, their University of Medicine. She holds the position of postdoctoral fellow in the Mental Health Evaluation Center for Health Services at Yale University. She has published monographs entitled, "Battered Woman," and "Emergency Room Epidemiology with a Description of a Clinical Syndrome," and "Critique of Present Therapeutics," and one entitled, "Household Violence Against Women: A Social Construction of a Private Event" with Earl Stark. She is a member of the New Haven Project for Battered Women, a community-based organization presently developing hotlines, counseling, advocacy, and shelter facilities for battered women.

Our third panelist, Matilda Black Bear is from Rosebud Indian Reservation; Rosebud, South Dakota. Matilda is a graduate student pursuing a doctorate in education, with emphasis on counseling, guidance, and personnel services at the University of South Dakota. She has a master of arts in education from the University of South Dakota, a bachelor of science in secondary education. She has attended and graduated from St. Francis Indian School; St. Francis, South Dakota. She has been involved in issues of battered women, not only in the reservation with the tribal counsel, so that they become aware of the problem. She has participated in South Dakota's International Women's Year meetings, spearheaded the workshop session on violence in the home; she is a trading member of the South Dakota Trading Team on Child Abuse and has worked with battered women in therapy.

So we have an extraordinary panel of presentors, as you can see, with a lot of expertise. I am sure that we are going to listen with great anticipation. Now, where I interrupted you, would you please.

Ms. **FERNANDEZ**. Muy buenos dias.

[Ms. Fernandez speaks in Spanish.]

This paper is in memory of Seferina Segovia Ortega, born December 2, 1908, and died September 28, 1947, a victim of marital homicide. I am speaking today for Marta Segovia Ashley, the daughter, who cannot be with us. Here is Marta's Story. She is the founder of La Casa de Las Madres in San Francisco.

The soil of this cruelty, maiming, and murder is the racism of the Great White Society. This country has systematically discriminated against, humiliated, and degraded certain of its people. These battered people, the poor and powerless, the ethnic minorities, the disenfranchised are the real abused children of the white patriarchy. I am not saying that suffering is limited to minorities. Rather, I am defining a pecking order of violence on women and children, the only people who are even more powerless than themselves.

I felt the oppression of the white culture in my own life from the time I was 5. At school they denied my language and their denial of my language was a denial of myself. I was forced not to speak Spanish. I did not listen to my teacher's words; I tuned into their intentions. I could feel their prejudice as they insisted it was for my own good. The contrast between my honest, demonstrative, and loving extended family (three uncles, two aunts, my grandmother, and mother) and the cold, indifferent, stoic white teachers did not make sense. The two worlds I faced daily, the first of love and tender support, the second of immense deadness could never be reconciled.

Everyday as I left my grandmother's house with her blessing and kiss on my forehead and a funny little cloth bag filled with herbs around my neck to protect me from diseases, I felt the terror of the world as the door closed behind me. Eleven years later, my mother was murdered.

My stepfather was barely 37 years old when he stabbed my mother to death. He was very kind and gentle when I first met him. He courted my mother for a long time and she considered carefully before she married him. He worked in a steel warehouse. He had incentive and ambition; he wanted to better himself for our sake. He promised my mother the world and in his heart he really meant it.

The white world slowly and insidiously defeated my stepfather. He was degraded at the warehouse. Because he was the only Mexican, he was expected to stay after the regular shift and do all the clean up. He tried to take on more responsiblilty, but they always promoted the whites. It troubled him that my mother had to work. In our culture, that isn't done. Racism and despair affected him so deeply that within 2 years a man who had enjoyed a glass of wine with dinner was a full blown alcoholic.

My mother worked in a factory packing coffee and was the shop steward for the union. She was intelligent, sensitive, and proud. She saved all the money she could in order to send me to good schools and buy me good clothes.

After working all day packing heavy cases of coffee and fighting unfair conditions in the shop, my mother came home to find her husband drunk. It was more than she could understand. She needed someone to console her and to listen. He needed her to care and understand his suffering. Neither could give each other the support he and she needed. Society afforded them no real chance, no break in the violence, no peace in their lives.

When she was 39, he stabbed her in the heart. Then, in terror, he tried to hide the act by pushing her out the window; she landed two stories below. This time they were arguing about me. I was 16 years old at the time. She was desperate because his drinking was getting worse. In that last moment, in their last angry cries, he reached for a sharp bread knife. He informed her that if she did not quit putting him down, he would kill her. She, unafraid of the knife in his hands, yelled back, "Go ahead, kill me kill me. What difference does it make anymore?" She cried, "Go ahead, kill me, you coward."

I have seen a replay of those last moments of her life many times. In a way his life also ended then; in jail he went crazy. For the first time in my life I see death as an expression of the futility of their lives together. I understand this as the final act of a racist society which propelled two people to annihilate each other.

That is Marta's story. There were no Casas during Seferina's lifetime. There are too few now. So I want to discuss the need for short term shelters for battered women and to examine how one of those shelters operate. I have another purpose as well at this stage in the road the battered women meets with hostility. She is silent because no one believes her. She grows dumb because no one hears her. She learns to be inarticulate. I hope to give those voices back to those women who have been able to speak. First we must recognize the reason for our society, why it is willing to address the issue of marital violence now? Do you know why? This problem now affects white women. Drug abuse was not identified as a problem until it entered the living room and playground of the white middle class. Racism is the most deadly sickness in our society today; marital violence, which diminishes the spirit and destroys human life. It is a civil rights issue.

In the fall of 1974, Marta Segovia Ashley gathered together six other women who were interested in working on the ideal shelter. The name "La Casa De Las Madres" was chosen by the—for Latinas and simply means a mother's house. Any women, we decided, who has been beaten, needs a mother's house to go to where she can find safety and grow strong again. "We wanted this perfect Mother who would say to you, come home, my house and everything in it is at your disposal. What do you need? What do you want to do with your life? You tell me how I can assist you." This Mother would not make you feel guilty, would not accuse you of wanting to be beaten, and would support you in any decision you made for yourself and your children, including that of returning to your mate.

We did not want the social worker/white missionary establishment to run La Casa. We wrote into the original proposal that the residents would, hopefully by the end of the first year, become staff at La Casa and that we would work ourselves out of jobs. We planned to be consultants to La Casa for as long as we were needed and that eventually even that would no longer be necessary.

We felt that if we truly wanted the residents to be engaged in their own liberation then we could not serve as their role models. We can only serve as role models in one sense, but we cannont truly be their role models, for battered women are the experts. They must be their

111

own examples in their struggle to be free and for those that come after them. We also believed and supported their rights to be more fully human and that demonstrated even more clearly to us their rights to inherit and run La Casa.

Another important ideal was "We cannot help people, we can only love them." This means that any approach from us to the resident must be done as a total act of love without even the expectation of gratitude, or that they would or should embrace our ideals or way of living.

What followed is our experience of "oneness" with each other. In sharing the violence in our lives, we began to see that we were equally oppressed. There would be no separation between staff and resident. And, although some of us had suffered more violence and degradation than others, it was not because we were less lovable or more deserving of it just because the racist society in which we live had discriminated against us because of our skin color, language, race, etc. It was only a matter of luck that separated one who is beaten from one who is not.

The coalition began appearing in public, addressing groups on the subject of battering and the response was overwhelming. Women from all walks of life, from all races and all classes and circumstances told stories of domestic terror, beatings, degradation.

In late 1975, San Francisco Women's Centers, a group which facilitates and supports development of women's projects, adopted the La Casa Coalition as a sponsored project. This enabled La Casa Coalition to use the Women's Centers tax exemption and benefit from the community organizing expertise of the staff.

In December 1975, a coalition member, who happened to be myself, offered her house to rent as the La Casa Shelter. It was not an easy thing to do. Because of the neighborhood, we were worried about what could happen. We decided to keep the shelter a secret. It was perfect in many respects: it was located on a little used dead end street, it was steps away from public transportation, from the park and playground, and from the hospital. It was in an accessible part of town with excellent transportation nearby. The house itself accomodated the need: a four-story Victorian with numerous kitchens and bathrooms, space for offices and 30 women and children.

The coalition moved into the building on January 15, 1976, paying half the month's rent, $350, out of our own pockets. We were sure of the response; we knew that soon as word got out of the availability of emergency shelter, we would be flooded with requests.

We accepted our first resident 2 days later. She moved in. She was a Mexican woman with three teenage sons. She spoke only Spanish but could neither read nor write her native tongue. She had lived with a man who was violent to her for 18 years. The night before her husband had beaten her when she refused to sleep with him, had locked her out of the house. Her sons had helped her into their bedroom through the window and her husband had come in and in front of them, overturned a bed on her. He had gone too far in frightening her children.

She decided that evening that somehow she would leave him the next day. Her relationship with her two younger sons, ages 13 and 14, was a beautiful relationship based on mutual love and tenderness towards each other. Her 16-year-old had already begun to act out the role model his father had provided for him. He was cruel to both his brothers and his mother. We took all of them to La Casa and started to work with them. The moment she stepped into La Casa, La Casa became full, the phone was ringing off the hook.

We found we had need for money for the shelter, very badly. We didn't know what to do. So, we went to our local foundation and we got some small seed money grants. We still have that determination to keep getting money because our money is running out. We get it for 1 year, $5,000 here, and $6,000 there. Now we are in our third year. We still have determination, but we need your help. We don't want research and demonstration grants, we don't want any of those. We know what we are doing. We don't need the luxury of research grants. Women are suffering and hurting. We know the problems of the battered women, we need money to establish shelters to work on methods to share our knowledge with the thousands of people across this Nation who need to open shelters with adequate and ongoing funding. And a lot of those people are here today, aren't they?

[Applause.]

Ms. FERNANDEZ. We ask ourselves, why does a battered woman stay. Well, there are many factors that keep women in violent homes. Every time we receive a woman in La Casa, we recognize the courage that it took to leave. For us the accusation "Why did she stay," is not really a relevant question. The issue is not why she stayed, but rather how can we help her to leave and when she has left, what does she need. The La Casa program has four major components: crisis line, programming for residents, community group, outreach and education. Our crisis line receives approximately 220 calls a month. It operates 24 hours a day. Since most domestic violence erupts around evening hours and weekends when people are not available, the agencies are certainly not open; we find our 24-hour around-the-clock service absolutely necessary.

When a woman calls and wants to come to La Casa, the shelter uses several criteria. We find out if she is in immediate danger. If the answer is yes, that is it right then and there. We try to find out what her other options are, can she afford another place, but if she is in immediate danger, we go pick her up where she is when the male is not at home. When we do that, we go in pairs and also take all the clothes and T.V. and anything else we can get out of there, or else we meet her at a public place, like a hospital or something. We do not tell her to come directly to the house because, as I said, our house is secret and sometimes some of the husbands have tried to find out where we are by having decoy girlfriends call up and ask where La Casa is and say they were beaten or whatever. But so far, we have been very fortunate and have not had any real incidents.

Our resident program when a woman gets there, she comes directly, stays with us anywhere from 1 day, 2 weeks, 2 months, 4 months, we don't have an actual set time. But most people seem to stay between 2 weeks and 2 months. A volunteer staff explains simple rules that we have at the house and the procedure and fills out intake forms, and these are nonthreatening intake forms in their own language. We don't want immigration to know anything about our women. So the forms are very simple and they are not a problem. The accomodations of the house are not luxurious. We are sorry about that, but we don't have the money. So we have to have bunk beds and that sort of thing. It is not too cool, but it is comfortable, noisy, but there is a lot of warmth and love there.

We let the women cook whatever food they want to in their own culture. We have a staff that does the shopping and follow what everybody wants. The only rules we really have is that there is no violence between any women there or any children. We also prefer not to have children who have serious drugs or alcoholism problems. Sometimes that slips in and we try to deal with it as best we can. But it is better that we can find another way to deal with those problems without shelters. We have a children's program, we have a children's advocacy. We do not let the children go to school the first 6 weeks of their stay at La Casa because we have had very bad experience with the school districts.

As soon as they find the new address, they will give it to the father, send records to the father; the principal most of the time is a male and will call up the fathers and let them know where his children are. So we have home teachers and we bring teachers in from the outside and we get all kinds of people to work with the children in the first 6 weeks. By that time we are able to work out a relationship with the school the child is going to. We also have women advocate programs.

The women's advocates staff people deal with some of the problems like the welfare system, which is very difficult to understand, particularly with Latino women who have not been on welfare and also who have —it is a problem—we have to deal with it. We have people who are lawyers on the staff to deal with the legal problems. That is also something we feel is very urgent. There are all kinds of other programs—community programs—people coming in from outside, sort of an advisory committee.

We give them training, and the volunteers are from every walk of life. We try to do some outreach and community education. The La Casa staff has undergone many changes since we began as an all volunteer staff. When we made the transition, most of our workers were whites. We made a commitment to hire only nonwhite women in subsequent hiring until the staff could be 60 percent nonwhite, which would be reflective of the resident community of the city of San Francisco.

Our struggles around affirmative action have not been easy. It has been very hard for those who are white to consciously train minorities to take over. It has been very hard for those of us who are not white to be in a training position. We have struggled to understand our class and cultural differences. We have learned to respect our differences and become sensitive to the needs that evolve from these differences. We are still struggling, but the program enriches us and strengthens us. It is important for us not to see the battered women who come to La Casa as "them," and those of us on the staff as "us." As I said before, we are all victims of the oppression of this culture. So we believe in the equality between staff and residents. We respect everybody's lifestyle and everybody's culture. There are many, they are diverse at La Casa.

We do have an all women staff. The reason being that we feel that women should be seen as plumbers, electricians, childcare workers, organizers, speakers, and so forth. The residents must see woman working together; they have never seen that before, accomplishing goals, being effective, supporting one another.

At this time in a woman's life, she often prefers not to be in the company of a man. The idea of the original coalition came as a result of our rejecting the social service bureaucracy created by men. We wanted to refer to a new and sensitive way of responding to the oppressed woman. At La Casa, yes, everyone is suppose to be equal as I said. In practice, certain people always seem to get a little higher and assume more power. So instead of minority women being oppressed by men in the outside world, they were at one time fairly recently oppressed by Anglo women at La Casa. Strangely enough, they use the same methods as white men.

Too often a resident feels that we have rescued her that she is indebted to us. We don't want that, so we have to deal with the problem. So a group called ABLE—Asians, Blacks, Latinos, Et cetera. The Et cetera is for the white women who are with us. The ABLE task force composed of the third world staff and Et cetera and ex-residents, who are now the staff, has emerged from La Casa in the last several months. They are presently developing training and inservice proposals which will facilitate the smooth transition to have ex-residents run the house. ABLE is also planning with the development of labor, a third world women statewide conference of battered women, on May 20, 1978, in California. The ABLE task force is also being trained to do speaking engagements to groups, T.V., and media, which is very important. We hope that the ABLE task force will become a role models in the permanency of La Casa establishment, if we really continue funding. For, after all, the residents are the most likely heirs to La Casa. It is their house. They, and only they, know what role models are needed. They possess a special sensitivity to the needs and are able to communicate with the battered women.

The initial dream and goal of La Casa is for the residents to become staff, and now finally this is in the process of becoming a reality after 2 years. This has just happened 2 weeks ago that the changeover has started to take place. This paper has tried to show you the way that victims of marital violence are degraded and discounted. Even our own staff has not escaped our society's contempt for the victim. However, we have recognized our limitations. I feel compelled not only to share them with you honestly, but to take action. I am going to read to you a few of the necessities that the ABLE task force presented to the other staff.

> We, the ABLE Task Force of La Casa, commit ourselves to the original concept of La Casa, believing in equality and sharing. We believe that the residents of La Casa should make all decisions concerning their own liberation. When engaging in their own liberation, they will become their own role models. They must be their own role examples. We believe and support their rights to be more fully human and support them in expression of these rights to run La Casa. We recommit ourselves to the concept that we cannot help people, we can only love them. All of our action will be done as an act of love without any expectation of gratitude or any other condition of acceptance. We intend to honor the cultural, political, and social ways of being, all residents without the imposition of any overt or subtle pressures on them to be like us. Any and all staff who have served 24 months would automatically retire. There should be ABLE representation in all jobs at La Casa, including administrative in the third world task force.
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> New systems of accountability and sharing information have to be dubbed. Hiring procedure—no hiring committee will be composed of less than 60 percent of third world women. Training staff and volunteers, white people cannot be the only people responsible for training. Friends of La Casa, as a group, must represent the ethnic population of San Francisco. ABLE will choose their representatives on the board of directors, no one working at La

> Casa could be on the board, and the board must be entirely composed of ex-residents. The entire La Casa staff and volunteers started meeting on January 18, to reevaluate the program, to make those necessary changes, and to paint and remodel the house.

In conclusion, we need money at La Casa and at all shelters. Am I right? We need inservice training grants for bilingual services, assertiveness training, support group, management training, fundraising techniques, media and public relations, legal advocacy, training volunteers, women in shelter advocacy, how to deal with the welfare system, and self-defense.

I went to the Kodokan Judo College in Tokyo. That is right, I have a brown belt in judo. We are training all the women at La Casa. We want them to know how to deal with things. And also it gets your mind and body and spirit together. We need money from the Federal agencies for battered children, the emotionally battered children, physically battered as well. We need money for teaching sheltered children, bilingual and biculturally. We need money for the day-to-day operation of shelters, ongoing rent, food, furniture, clothing, remodeling, upkeep, and paid staff. We need money for supplemental housing because we are already full. We have no room for the thousands of calls we are still getting. We have no place to put all the women. We need other shelters in San Francisco and all over the Nation in every city. We need money for second stage housing, when people are ready to leave La Casa, we have to have money for that. It is very important. And you have got to hear that, the second stage housing.

Just as it is necessary for us to listen to the battered women and treat her as our equal, so it is necessary for you to hear what she has to say. In this last year we have seen statistics prove that marital violence is the largest crime in America today. We must not listen to the so-called experts to tell what the needs of the battered women are. The battered women are your experts. I ask you to make it your top priority and your New Year's resolution of 1978, it is the year of the horse. So, enter the race.

Are you listening, Civil Rights Commission? Are you listening funding agencies? When the hell are you going to do something about it? Or are you going to wait until we, like Seferina, are dead. Muchos gracias.

COMMISSIONER RUIZ. Muchas gracias to you. Only persons that have gone through the battering experience would think of setting up a shelter environment like La Casa de Las Madres, the home for mothers. Where the battered woman is her own expert in shelter centers and where she has an opportunity to exercise her options. Your presentation has been very interesting and we, on the Commission, are very grateful to you. Now we are going to turn over the platform to the respondents. And I will call as the first panelist, Monica Erler, as to her reaction and her comment.

Response of Monica Erler

Ms. **Erler**. Good morning to everyone. I agree with most people here about everything that Shelly has said. She really did a good job talking about what a woman needs when she comes to a shelter, how the other residents and how the staff in the shelter can help to achieve the things that she wants to achieve. When early in her speech she talked about the continuing problem in budgeting and the ever continuing search for funds, I thought of our position right now. We are preparing our sixth or seventh budget, I am not sure which. We are still scrounging for $5,000 and $10,000 here and there to make up a budget, which is over $200,000.

In terms of services that we should be providing to the women, we have learned that they know what they need and we cannot begin to provide it. Also, we are going to have to start explaining to funding agencies in the community how we are spending money. We need evaluations to help us with our program. We searched the community and found the best evaluation team that we could find. They are working with us now. We have gone through about one-half to two-thirds of our program. They have already told us that we are doing twice as much work as we could be expected to do. I don't know what it's going to turn out to be when we get through the whole program.

In addition to the things that Shelly has said about shelters, I want to talk a little bit about the history, trials, and tribulations we have had in 7 years.

Women's Advocates began in 1971 when a consciousness raising group about to disband decided to undertake a work that would be supportive for other women. One member, an attorney, suggested setting up an information desk and telephone service in the Ramsey County Legal Assistance office because women involved in family law problems needed information, assistance, and advocacy with community agencies which attorneys did not provide. Two women, funded by VISTA, working in that office, soon discovered that a woman involved in family violence had no acceptable alternative to continuing in the relationship. Filing an assault complaint or petition for dissolution of her marriage while continuing to live in the family home placed her life in greater jeopardy than before. She needed more than legal help, more than information and advocacy. She needed a safe shelter in order to have the time and opportunity required to make changes in her life.

At this point Women's Advocates incorporated as a Minnesota nonprofit corporation, April 1972, and began community outreach immediately, talking about the need they saw with the men and women of St. Paul, asking for financial support. A pledge and donation system was set up and many of our strong supporters today are "friends of a friend" of one of the women in that first small group.

Our original shelter was the apartment of Susan, one of the VISTA workers. The information and crisis telephone was tended by volunteers during the day and by an answering service at night. From the beginning we have had continuous telephone service and have maintained a telephone log. After a few months the landlord evicted Susan. The phone service and the shelter were relocated in the home of the second VISTA worker, Sharon. Volunteers continued to answer the phone and sometimes housed women in their own homes, all the while searching for a house and the funds to purchase it.

In 1974 the Ramsey County Mental Health Board, aware of work of Women's Advocates and the need for funds, made a grant of $35,000. A woman member of that board with several years experience as a social worker in the county mental health program worked very hard to get that grant for us because she was impressed with the nontreatment approach of the Advocates and the effect it had on women. In her own experience as a social worker, she decided that depression was the appropriate response to the situation in which most women found themselves trapped. Moreover, the tools of the treatment system were authoritarian, fostering dependence. The new model seemed to her to be a way out for women. The county mental health board renews this grant each year but renewal is not automatic. We have to prove our needs over and over again.

Once Women's Advocates received that initial grant, private foundations began to support our work. Foundation funds provided the downpayment on our house and the major part of our operating and program funds for the first 2 years after we opened Women's House. This gave us time to explore the possibilities for government funding while providing services to women and children.

At present we receive most of our funding from governmental sources. We work with the county welfare department and have had almost every kind of disagreement and misunderstanding imaginable arise between us but we have worked many things through. For example: women living in our house used to wait for weeks for an intake interview at welfare, trying to exist with no funds for personal expenses. Now a social worker at welfare makes appointments for residents a day or two after they arrive.

Commissioner Ruiz. You will allow me to interrupt for a minute. In accordance to our 10-minute rule to reaction by the panelists, I'm going to signal each panelists when they have 4 minutes left. And you have 4 minutes.

Ms. Erler. All right. I'll just tell you –

Commissioner Ruiz. You have 4 minutes, you don't have to be briefer than that.

Ms. Erler. We have a vendor program in the county welfare system which pays $5.50 per day room a board per woman and $2 per day per child up to 30 days. This is an emergency housing measure paid from county welfare emergency funds. This system makes it possible for a resident to save her entire AFDC check for her living expenses when she leaves Women's Advocates because none of her income is needed to provide food for the shelter.

We also receive purchase of service funds under Title XX for which residents qualify as persons who suffer from "neglect, abuse and exploitation." We are considered providers of counseling and advocacy services. These kinds of funding entail paperwork but we have been able to devise reporting methods which maintain confidentiality and are not in conflict with our program. Our concern for the safety of the resident made it necessary for us to work out procedures with the welfare department which do not reveal a woman's whereabouts to anyone. Searches for fathers in child support actions and requests for welfare information from other States often mark the beginning of a new siege of harassment for a woman who has just escaped. Sympathetic workers in our welfare department found ways to alter some of the most damaging and dangerous procedures used by the department but, as in everything else, we cannot rest. The job is never done. New people join the department and we have to explain again.

Like other shelters, when we opened we considered children to be the mother's responsibility and we focused on helping her. To our knowledge, we were the first agency in the area to allow a mother to bring her children with her into a room and board situation. We soon learned that children share the mother's fear, insecurity, and lack of self-esteem. Many of them have also suffered physical and sexual abuse. We made efforts to help children as we carried on our program with mothers and eventually decided that we needed child advocates. We now have two. Planning the children's program is their responsibility. They share working overnights with the other advocates and we set aside special time in our schedules to be with children. Our house has been designated a day care center which makes us eligible for funding under the Minnesota Child Care Facilities Act. We are also a group family day care home which entitles us to food commodities through a U. S. Department of Agriculture program as soon as we are able to provide appropriate food storage and preparation areas and equipment.

The neighborhood school accepts children from our shelter making special provisions for their safety, keeping in contact with mother and staff concerning the child's welfare and program at school.

We have never had funds enough to buy reliable office equipment, a motor vehicle, durable household furnishings, or linens. These needs are met by small gifts, donations, used articles, or we go without them. Securing money for capital investments is unbelievably difficult. After making the downpayment on our house we owed $24,000. As a nonprofit corporation with no guaranteed income and not conforming to the conventional definition of family, we found that we were unable to qualify for any kind of home mortgage. We finally secured a conventional loan for $24,000 due in 2 years; interest rate about 12 percent. Our search for funds to pay off the mortgage began immediately. St. Paul HRA met with us and discovered they did not have a definition for emergency housing which would cover us. Eventually Urban League, Migrants in Action, and Women's Advocates, aided by the St. Paul Community Development Office prepared a joint emergency housing proposal for community development block grant funds. Women's Advocates' share was $36,000. We received this money after several legal problems were solved and used it to pay off the mortgage and install a new heating system. Our house still needs substantial rehab work and the city has included another grant for that in the current CDBG year.

Using what we have learned about CDBG regulations and the problems they present for groups such as ours, we joined with other women in requesting change in the regulations. We have been informed that the regulations which will be published in several weeks will specifically designate shelters for abused women and children as eligible to receive CDBG monies for rehab (March 1, 1978).

The Minnesota Legislature has provided the most recent addition to our funding system. In the last session it passed legislation which provided funds for four shelters for battered women and established a data collection system for the State concerning the extent of violence in families. This program is administered by the department of corrections and the department is guided in its decisions by the recommendations of a statewide task force.

Others who help us are police, paramedics, counselors, and legal assistance staff members. When we opened in 1974, the police considered calls to our shelter in emergency situations to be "domestics." After a year of neglect and bad treatment, we met with the mayor and worked out a system which is adequate. Individual police officers react to us differently but support for our work is growing in the department and we are now included in the police training program. A police sergeant in the city attorney's office assists women who wish to file assault complaints and a woman police officer helps us counsel both women and children who have been severely abused. At certain hours, police squads will meet us at the home of a resident, protecting her while she gathers the belongings she was forced to leave behind. Officers more and more bring women to our door for safe shelter, having learned that even when we are overcrowded and have a waiting list we cannot turn a woman away from our door. The beat of the Grand Avenue foot patrolman was extended one block to include our house and the district squad car patrols our alley frequently if alerted to the possibility that an angry man may be in the vicinity.

The paramedics have been one of our strongest supports. In medical emergencies they come immediately and assume responsibility for the care of the resident until the emergency has been resolved, many times completing treatment without removing the resident to a hospital.

Legal Assistance is overloaded, and routinely delays appointments for divorce interviews for weeks and even months. However, we worked out an agreement with them. Now if a woman who is in physical danger because of family violence calls, she is given an early appointment date. Legal Assistance is one of many groups now drafting legislation which will make changes in the Minnesota statutes governing assault. We hope that we will have some favorable change in the law when the current session ends in March.

Community Planning Organization is another dependable support. CPO financed and published a survey of the problem of family violence in St. Paul 2 years ago. They also planned and sponsored a day-long workshop for the public and interested persons when the report was released. CPO maintains a library on the subject of "Battered Women." When possible, they assist us in public education on the subject and the excellent slide presentation which we have for community education was prepared by a woman on the CPO staff. Our stunning new brochure and our letterhead and notepaper were likewise designed by the staff at CPO.

Finally, we depend on the YWCA, volunteers, church, social, and professional groups for help with many parts of our program. They frequently provide recreational opportunities for both the women and children living at the shelter, a most important service.

The foregoing information is important because it demonstrates that Women's Advocates is not a treatment program but an organization that helps a woman pull together what she needs from resources in the community. When she comes to our shelter we ask her, "What do you want and need?" Her response often is, "I can't remember when anyone ever asked me that before." A little later she begins to talk with us about the life she wants to live and while she lives in the house we try to help her obtain the services she needs. When she is ready to leave, we encourage her to call us and to come back any time for support from us and for group meetings scheduled three times a week. We think this orientation to the woman's self-defined needs is crucial. We believe that once a woman has decided to leave a violent situation she needs the opportunity to make more decisions about her personal life.

As she makes these basic decisions we offer her information and support. Gradually she begins to see herself differently. She feels sane, capable, worthwhile. She expects to be treated decently. She can no longer be battered.

Abused women don't need treatment programs. They, like other women, need fair income for their labor, decent housing at an affordable price, competent legal advice, dependable child care and other assistance with childrearing. Government policy and funding should take these needs seriously.

A last thought. All that I have said describes a Band-Aid measure. That is what our work is. The violence goes on. With Marta Ashley we say, "Don't ask why she stayed, ask why he beat her." "Why" requires attention.

COMMISSIONER RUIZ. You know, you only went over 2 seconds. Thank you. Now I will call on the reactor panelist, Annie Flitcraft, M.D., from New Haven, Connecticut.

Response of Anne Flitcraft

DR. FLITCRAFT. I would like to ground my participation in the Commission hearings today in experience with the New Haven Project for Battered Women. I think it is clear to all of us that we are going to force Federal funding for shelters; it is inevitable. No longer can the voices of battered women remain behind closed doors. However, the issue before us is what kind of shelters those shelters will become. Who will get the funding, what will those shelters look like? Will they be simply residences, temporary hotels, along the way in women's violent lives? Will they be hotels with the added benefits of centralized social services, so that if one is abused, one can buy into the social services network with bruises and lacerations? Or are the shelters of tomorrow going to become community-oriented shelters which begin in crisis but continue past that crisis to provide the ongoing social basis for struggles against the violence, discrimination, and economic depravation which all women in society experience? I would like to suggest that in the community-based shelter movement we have the possibilities for this last and final alternative.

It is only in the formation of new communities that battered women can overcome the isolation which characterizes their lives today.

Isolation begins within the family and is the background for (as well as the consequence of) the violence of individual men. And isolation continues as women turn again and again to social agencies and find not simply benign neglect, but further harm. When a women goes to the psychiatrist and receives tranquilizers, she has not been helped but harmed since she returns to the same problems at home. If you look closely at women's lives, you will find that one-fourth of the women who are battered attempt suicide, and often with the very drugs psychiatrists have given them to "relax."

When women call police and find no aid, it is not simply a moment of aid that is lost. They become more isolated and learn there is no help out there and the only alternative then is to remain within the family.

But women continue to seek aid, turning to institution after institution. If we look at statistics, as far back as we can count, the agencies of police, of the courts, of medicine, psychiatry, welfare offices, and legal aid offices have always been jammed full of battered women.

However, so long as women came to these agencies alone, seeking aids, there was none. Only as women began to speak with one another could their collective voice penetrate the public mythology of domestic violence. It is this collectivity which must be maintained and strengthened, and the shelter movement is the vehicle for this.

In this sense, the shelter movement represents not simply an escape, but an escape into a community. It offers the possibility of a future. And only particular kinds of shelters can continue to offer this possibility for a future. However, those of us who are working to establish a shelter find that our attempt to forge community is being underminded. The pressure to provide services—increasing pressure to provide services—drains our energy. Social service agencies make noises about service for battered women. But we still find it necessary to go case by case, one by one, to the welfare office for instance. Pressure to maintain a facility which is neat, tidy, and will pass housing code inspections and zoning is an additional kind of pressure. Of course, our shelters are not adequate, but what about a battered woman who calls the hotline but does not need emergency housing? On the one hand, she is happy to have gotten a referral or appointment to the medical clinic or legal aid. At the moment when she receives this aid, however, she ceases to have any relationship to the sheltered community. She is cut off from us. She is isolated and vulnerable again. This is a loss for her and a loss for the shelter movement.

Unless we can maintain a community-based shelter movement, and one which avoids the pitfalls of institutionalization, we are doomed to setting up universal prisons. We are doomed to replicate treatment programs where a few women are successful and get jobs, a few women join the staff and become professional, semiprofessionals, but the vast majority of women leave the shelter and find their lives very much unchanged. The issue for shelters is how can we not only meet the service needs of the battered women, but how can we go on to become a political force within the communities in which we live. It is an illusion for women to count on the American model, individualism and upward mobility.

Only through collective political process can women ensure their tomorrows. This political process, a community of women aligned with other oppressed groups, is the rightful task of shelters.

COMMISSIONER RUIZ. You still had 3 minutes to go. Really, to be frank with you, you still had 2 minutes to go. Now our next panelist and reactor, or should I say reactress, react person, is that O.K.? Ms. Black Bear.

Response of Faith Spotted Eagle by Matilda Black Bear

Ms. Black Bear. Thank you. I'd like to clarify something on the agenda. I think Faith Spotted Eagle's name is one the agenda. Faith cannot make it to the meeting today, so she asked if I could come. It was Saturday evening when she called me and she was 250 miles away from where I live She drove up Sunday to give me the paper so I could react today.

I really didn't think that I would be speaking from this point of view at this time. But as a Native American, I would like to make you aware of the fact that the problem of battered women is not just an ethnic problem with blacks, Chicanos, you know, the "Et cetera" as Ms. Fernandez referred to. But it also happens with Native American women and women of rural American. I am of rural America, from South Dakota. But I am also from an Indian reservation. As I mentioned earlier, I didn't think I would be speaking from this point of view, but I am also a battered woman—previously. I have gotten out of the situation about a year ago.

When I got into the situation I already had a master's, I was working, and I never thought that I would be in this situation, but I was. It was hard for me to get out of it on the reservation. The conditions on the reservation are such that there is no immediate facilities or support groups that exist. I think in the State of South Dakota alone, there is one woman shelter in one of the smaller towns. I know of two small communities that have gotten LEAA grants. But in the bigger cities, Rapid City or Sioux Falls, there are no women shelters. I think again this points out the fact that the lack of money, lack of involvement in that being from the rural area, the problem has not been raised at a conscious level with the people there. As a Native

American, I would like to deal with some of the things that we did encounter in trying to get our own tribal council on the reservation aware of the problem. We were about a year with concerned individuals and finally we were able to present a resolution to the council, and the council acted on it. I would like at this time to read the resolution that we helped to write.

> Whereas there is a recognized problem on the Rosebud Reservation in the area of assaults and physical abuse of women; and whereas the Rosebud Sioux Tribe has already committed itself to the law and order aspect of this problem; and whereas this problem can be further reduced by education counseling and other preventive measures. We therefore resolved that the Rosebud Sioux Tribal Council supports the efforts of local and other concerned individuals and communities to establish a woman's center, staffed by professional and concerned local people to provide educational intervention, emotional support, counseling and other activities for both women and men which are designed to reduce the problem of assault and physical abuse of women and increase communications and understanding between same. We have therefore resolved that support of the Rosebud Sioux Tribe shall not include at this time any mandatory financial support for the proposed project.

That was passed last spring in 1977. Women that were involved in it are still concerned. I know when we got just to the council—it is a 33 council boards and there was something like 2 women on there. The men were saying: What about men abuse. My wife is always abusing me, you know, the whole type of reverse discrimination. In reference to the paper that was presented by Ms. Fernandez, I have a couple of concerns that I would like to deal with at this time.

One of the issues, the concerns that I have is dealing with the lack, what seems to be an underlying problem in most of the shelters, is the lack of interdisciplinary cooperation among agencies. I think that we have found this true to be with the child abuse and neglect problem. But there is also a major concern at this time with the whole issue of battered women. The other concern that I have is the lack of a male figure at the time of crisis. For me, as a mother of children, I would not like my two daughters to grow up thinking that all males are negative. I think that we need to go out there and look for those men that are sensitive and are willing to work with that problem. Also, if we are going to perpetuate this problem of battered women, we need to deal with reverse discrimination.

The other concern I have, in coming from a very rural area, is the whole idea of distance and isolation. Distance is an important factor at the time of crisis, the need to get away from your spouse or from whoever the abuser. This is hard to do in a small rural community where everybody knows you, you know. In a little community of 200 or 300 people, it is kind of hard for people to get away when you have strong family ties—and not just rural America, but other reservations and with our specific culture. The family unit is an important unit in the communities. It is difficult to terminate a relationship with another person; it is difficult to try to terminate that relationship because you get thrown in together at meetings, picnics, whatever type of social activities there are. As a result, I have often talked with women who have found it easier to go back to their spouses.

One of the mechanisms that I have found, that they found of coping with this issue is that, rather than being married to the individual, they want, they get a divorce and they just live together.

So for them it is the whole idea of possessiveness that is there.

Commissioner Ruiz. You have 2 minutes.

Ms. Black Bear. In regards to the resolution and what is happening on the Indian reservation, the resolution is there; there has been no action. I really didn't know, you know—I think that we need a lot of help there in trying to get a lot of these things off the ground. I talked with some women and they just don't want to go in there and create a lot of hassle. They said, "We have to keep a low profile." And I am of the other opinion that we need to get in there and make people aware of our problem and that some action be initiated on the part of the different agencies around the reservation. I think that in urban areas there are opportunities that people have to deal with in respect to their problems. But oftentimes in the rural area the same type of problem that exists in the urban area are not dealt with in the rural area because it is behind closed doors. I think that we need to start opening those closed doors in rural America as well as on Indian reservations. Thank you.

Discussion

Commissioner Ruiz. Look for the man who is sensitive and willing to work. Where do you find them? That is a job. Now, before I turn the matter back to the Commissioners for comment, I would like to ask again, Ms. Fernandez, to submit some after thoughts which may have been prompted by our excellent panelists.

Ms. Fernandez. I'd like to say that what we do at La Casa for the male model is that we work together with the Big Brother Organization. So, it is not that they are never seeing males or anything like that. Also, we are not going to have people staying there the rest of their lives. But when the women come to our shelter, they are in such poor condition and the children are so disturbed usually that we feel that the concepts of La Casa de Las Madres, the Mothers' House, with mothers' love, which means at that particular point is probably the only point in time that she is free of male oppression, which is very important. But at the same time, we do work with other agencies. So we have a van, we take the children out, Big Brothers, other similar groups, so they do have that experience.

COMMISSIONER RUIZ. Thank you very much.

MS. FERNANDEZ. I'd like to mention that I visited the shelter in Minnesota, and it is really a wonderful shelter. It was one of the high points of the trip that I was on. And I am sure that it would be important for you to think about funding us so that we could share and communicate with each other and see each other's shelters and learn what we are doing. Let's hope that money for real national coalition will also be forthcoming so that we can get together across the Nation.

COMMISSIONER RUIZ. I thought the idea of funding you from this Commission is an excellent idea. But, unfortunately, this Commission is not a funding organization. We ourselves have to procure funds from other sources of Government.

MS. FERNANDEZ. Will you procure it for us?

COMMISSIONER RUIZ. We urge other people, nevertheless, to do that very thing. We always look to our Chairman to start out in many things, and I'd like to call on our Chairman for his remarks and his reaction.

CHAIRMAN FLEMMING. This presentation has been really informative in terms of pointing out how people get things done under very difficult circumstances and how obstacles are overcome. There isn't any question in my mind about the need for the shelters. There isn't any question in my mind, but that great difficulties are being encountered throughout the country in terms of financing the shelters.

I was very much interested in the presentation by Ms. Erler, relative to the shelter in St. Paul. Having lived in St. Paul for 3 years, some of the references strike home. What I thought I'd like to do is to simply reidentify the sources of support that this center was able to obtain and inquire as to whether or not there had been similar experiences on the part of the other members of the panel. For example, I was very much interested in the fact that your first breakthrough from the public sector came from the Ramsey County Mental Health Board, where you received a grant for $35,000. Now I am wondering whether in connection with the other experiences that are represented on the panel you have been successful in getting mental health funds from community mental health clinics or from local mental health boards. I gather your answer is no.

MS. FERNANDEZ. Our answer is no. I wish that they would get into this whole area. We have not been able to, no.

Chairman Flemming. How about the situation as far as New Haven is concerned. You referred to the mental health situation, the importance of it and so on. What support has come from the community mental health clinics?

Dr. Flitcraft. We do not get financial support from the mental health clinics at all. We generally find that the community mental health center is not an ally in this situation. Women come back and they tell us that they tried to get aid there and were told that their husbands were not mentally ill and there was no serious mental problem there at all. I think that the history of mental health in this country is not one which primarily provides a healthy image for program development, and I think funding through the mental health agencies is a very ambivalent process.

Chairman Flemming. I gather, I noticed you are nodding your head, that your experience has been similar; correct?

Ms. Black Bear. I was in agreement with what she was saying. I think that the mental health centers generally don't have any funds to do so.

Chairman Flemming. Judging from the audience reaction, the experience that Ms. Erler and her associates had in St. Paul, is an exception to the rule.

Ms. Erler. In a way it is the other side of it, the people on the board who really supported us were people who did not agree with the treatment program.

So, we benefited because they didn't approve of the kind of things that were going on.

Chairman Flemming. Well, you knew how to capitalize on that disagreement. Now, I notice next that you did get a series of positive action from the county welfare department, but you indicate that you had problems doing it. For example, you were able to tie in with the Federal system and this made it possible for the women to save their entire AFDC checks for living expenses when they leave your center, and that also you received purchase of service funds under Title XX. I assume from another comment that you made that you did not get Title XX funds to help out the shelter itself. But you did get this money under the heading of "Neglect, Abuse and Exploitation." And that you are also under Title XX considered as providers of counseling and advocacy services. So that you have a package that you have worked out with the welfare department. Now here, again, I'd like to ask whether or not I know the details would differ from one State to another, one community to another, This is a typical experience? Ms. Fernandez, was this your experience, for example?

Ms. Fernandez. No, it was not our experience. Our funding came from local foundation—seed money. We could not get any of the bureaucratic institutions to support us. It is really the off-like foundations in San Francisco, like the Vanguard Foundation, and others like that that came through with little seed monies that was renewable for the second year. None of the welfare agencies have cooperated. I don't think they are into it.

CHAIRMAN FLEMMING. Did Life Foundation help you?

MS. FERNANDEZ. No.

CHAIRMAN FLEMMING. How about the representatives from other areas? Were you able to get some breakthrough or not when it came to working with welfare departments?

DR. FLITCRAFT. We have not been able to get any regular relationship established. It is hard enough to get women appointments.

CHAIRMAN FLEMMING. Then the next thing I notice is that in St. Paul, the shelter was designated a day-care center which made you eligible for funding under the Minnesota Childcare Facility Act; also that you are a group family day-care home which allowed you to fund commodities through the U.S. Department of Agriculture. Has anyone else had a comparable experience as far as the day care center is concerned or as a group family day-care home designation is concerned? Apparently not.

Then I noticed that you worked with your local lending institution and finally did get a loan, but had a great deal of difficulty there. But the thing that interested me particularly is that the Urban League, Migrants, and your organization aided by the St. Paul Community Development Office did prepare a joint emergency housing proposal for the community development block grant fund under housing and community developments. And I noticed that you not only concentrated on your local situation, but you tried to obtain a ruling that could be applied generally. You have been informed that regulations about to be published will specifically designate shelters for abused women and children as eligible to receive the development block funds. Do I understand that to be a Federal regulation that you understand is going to be published?

MS. ERLER. Yes, it is for building rehabilitation. It won't be for services.

CHAIRMAN FLEMMING. For rehabilitation. Has anyone else had any experience with that program?

MS. FERNANDEZ. No, our experience has been with the State department. We have gotten funding from the State department division of the substance abuse, but that has to do with the amount of the drugs used by women who come to La Casa. It is a very difficult grant to deal with. It is really an exchange of that kind of information.

DR. FLITCRAFT. New Haven has been able to get community development funds.

Ms. Erler. I would like to make a remark about this funding. It takes far too much of our time, we always have to push the regulations. And we estimate that, of our staff of 10, two and a half positions go into the constant negotiation for this money.

Chairman Flemming. I'm very very sympathetic with that statement. It does represent a use of resources which really shouldn't be necessary. In the field of aging we have had the same kind of experiences. However, I do want to commend your organization for the fact that you have stayed with it and that you have experienced some breakthroughs. In the case of this community development block grant, your breakthrough apparently is going to be benefical throughout the country. It is unfortunate that our system operates that way sometimes. Just one other thing that I noticed, that you finally got a breakthrough on legal assistance, also as well as paramedics. Now, have the rest of you been able to get help out of the legal assistance programs?

Ms. Fernandez. We have a half-time lawyer.

Dr. Flitcraft. We have been utilizing the services of lawyers who work with the project, but are employed by the Legal Aid Office in New Haven. However, in the past year, the waiting period for court action has grown and there have been so many emergency divorces that the office has periodically refused to take new cases.

Chairman Flemming. What hasn't happened in other communities and what did happen in St. Paul does lay the groundwork for our making some very specific recommendations to some of the departments and agencies of the Federal Government. I appreciate these experiences or lack of experiences being shared with us. That is all.

Commissioner Ruiz. I'd like to ask Commissioner Freeman to speak.

Commissioner Freeman. First, I have one question I want to ask Ms. Fernandez. Thank you for an excellent presentation. There is one line, there's one thread that seems to be missing, that I'd like for each of you to speak to. And that is the other family of the battered women during the time she seeks shelter. Let us assume that she has maybe her mother, sisters, or whatever. What has been your experience with respect to her continuing relation with them or any support which she does or does not receive from them?

Ms. Fernandez. Well, in third world families, particularly the extended family is very much involved. So, we have support groups that meet once a week at La Casa, composed of ex-residents who come back to La Casa to support them. And they can bring their sisters, their mothers, their brothers with them to participate in the support groups discussion. And that happens every week. So, in that sense, the mother part of the family is represented. Of course, our shelter takes all the children because if we didn't they would all go to juvenile hall. And that would be the bottom most that could happen in a marital violence situation. So, we do have support groups for extended family members.

Ms. Erler. There are mothers who are themselves afraid and sisters who are afraid, sometimes the woman has to take a step and get out of the situation. When several women live in fear sometimes one taking a stand helps all of them. We've seen cases where daughters taking a stand against violence has helped mothers.

Ms. Black Bear. Definitely, strong family ties with Native Americans. My mother is a homemaker's aide and she does deal with a lot of women that are in this predicament. Generally, it is the families that take on the woman and more or less provide her with protection and shelter. Then my mother's work, on the other hand, is trying to provide some of the basic needs, such as, you know, money, this type of thing, to kind of round out the whole situation for a person.

Dr. Flitcraft. I would like to comment on what kind of future organizing possibilities are raised by this issue. One way to conceptualize this question is to suggest that when a woman in a particular family, neighborhood, or cultural community is abused by a spouse, it is symptomatic of the physical violence tolerated within that particular community. When a woman seeks shelter, she is really speaking for many women within her community who are either presently abused or vulnerable to abuse. In other words, if we cannot provide shelter for each other, it means that we are all victims. Therefore, one of the possible programs which ought to be explored in future times is to form a network with women who come to refuge and return with them to their communities in order to work with other women in these communities around the issues of violence. Independence, male-female relationships, economic problems, housing problems, and the larger political issues that cause increased pressure and stress within that community.

Commissioner Freeman. I would like to respond to Ms. Fernandez's appeal for the Federal Government to fund the program in relation to the replies that we have received from some of the panelists that they did not receive funding from some of the agencies within their local communities that are already receiving funds, such as, the Mental Health Association. And I suggest to you that since the consciousness concerning this problem is just emerging—whetherhether we like it or not, applications still have to be filed for Federal funding. You wonder if this Commission did have the funds, which we do not have, all we can do is recommend. There would have to be a process such that the agency—it has to come from the agency and the process is such that it has to come through the application process.

One of the responses that is going to be made, and we can anticipate this in reply to the statement that mental health associations or the welfare association did not fund, I can anticipate in some communities the response is going to be made that no application was ever submitted, no proposal was ever submitted. So I would just like to suggest to everybody who is interested in getting Federal funding that at least begin preparation of the application and the proposal. Now, it may be a burden, but at least in St. Paul there has been some—even though it is not enough. But to support the anticipated recommendation of this Commission, that there should be Federal funding, at least there ought to be some applications and proposals put in the pipeline.

So that when we talk to the Federal officials this afternoon, there will be perhaps some interaction that would make some support a little closer, than if nothing is in the pipeline.

COMMISSIONER RUIZ. Is it your suggestion, Commissioner, that perhaps when those applications are made, that an extra copy be made and submitted to us, that we might know what is in the process?

COMMISSIONER FREEMAN. No, I am not going to do that to the Staff Director.

MS. FERNANDEZ. I think that is an excellent idea.

COMMISSIONER FREEMAN. What I was suggesting is that we all know that funding does not just come. And I think there are some people here who have already brought their proposals. I am just saying that that is a good idea. I believe that any agency in this local and city, county or State that has Title XX money, that that money, some of that money is available for shelters. HUD money is available for shelters. If it is needed, apply for it.

COMMISSIONER RUIZ. I noticed that somebody said no.

COMMISSIONER FREEMAN. Under the proposed regulations—let me say this, it may not be, but if the regulations permit it, let's assume that at least you can make application for it. Then let a determination be made. If you don't ever knock on the door, it will never open.

COMMISSIONER RUIZ. In anticipation of some testimony this afternoon, I think it looks as though the HUD door, through community development funds, is about to be opened. It was opened in St. Paul, and looks as though they are about to open it on a nationwide basis.

As far as Title XX is concerned, in some States it is certainly available or could be made available for support of individuals. But I think we want to make clear, that at least up to the present time, thinking at the Federal level is that it is not available to put into buildings as such. That is what you ran into in St. Paul. That I think will be a rather common experience. That is an issue that I think should be pursued. But I think at the moment HEW is fairly inconsistent in its response in trying to use the money for building. But whether it could be used for individuals or not depends to a very considerable degree on the kind of a plan for the use of Title XX funds that is approved by the Governor of the State. That is the key to it. That is where the pressure has to be brought to bear if you are now running into obstacles. We will try to bring that out in our questioning this afternoon when representatives of the departments are here.

Ms. Fernandez. Would you like to talk to Governor Brown for us?

Commissioner Ruiz. We will undoubtedly come up with some recommendations that will be applicable to Governors of States.

Ms. Fernandez. He may be running for President, you know.

Chairman Flemming. Under our system of government, it is necessary to develop oftentimes some grassroot pressures. I am sure, just listening to those who have testified, something will come out of the local community situation where the pressure is to be brought to bear. You know how to bring it. Your presentation this morning was very clear on that particular point. That is why we undoubtedly make progress.

Commissioner Ruiz. Commissioner Saltzman may have some observations.

Commissioner Saltzman. I would like to ask a few questions. I recognize the time is running short, so I will go quickly through them, and if you can respond to them briefly, I'd appreciate it.

For clarification, is there a particular neighborhood in which the shelter should be located or is there any neighborhood qualification or doesn't that have any bearing?

Ms. Fernandez. For our particular shelter or in general?

Commissioner Saltzman. In general for shelters. Does the neighborhood setting have any implications in terms of availability of the victim?

Ms. Fernandez. Women are in every neighborhood. But I do think that it is important to have it near a hospital, parks, and where people will feel comfortable. So we chose an area where the majority of the women live. We don't have the luxury, really yet, of thinking about which neighborhood. Very often I think shelters have to be in neighborhoods which are very low rent for that reason—which is not necessarily a neighborhood that we would want to be in.

Commissioner Saltzman. That really is the point of the reference. Should it be in a neighborhood—I recognize this might be premature, but for the record, is there any qualification like what you were saying?

Ms. Fernandez. No, I don't really think so.

Ms. Erler. I disagree—food, public transportation are necessities.

Commissioner Saltzman. Okay, let me ask you about the nature of the facilities which such a shelter would provide. There is a basic minimum.

Ms. Fernandez. There has to be hospitals nearby.

Commissioner Saltzman. In the shelter –

Ms. Fernandez. There has to be a number of kitchens, bathrooms, space for the children, yards, and a children's center. In our shelter, we have a whole floor that is for the children. That is absolutely vital. There has to be privacy. Each woman has to have her own room and her own children with her.

Commissioner Saltzman. Okay. Then the next question, you have indicated that it is important for the women themselves to be providers of the services in these shelters. However, do you feel any supportive services within the community ought to be available through the shelter? Or should it be principally focused, as you indicated, on the women in the shelters as its providers?

Ms. Fernandez. Until society changes and until the agencies change, I think we would prefer to do it within the shelter and have, as I said, the women from within, the ex-residents run it. Because we just know from our past experiences that the mental health centers and others have not offered to participate with us. It is not just that we should be reaching out to them. Welfare and all other agencies should be reaching out to us and understand what we are doing and work with us.

Ms. Erler. Sometimes we apologize to residents because we feel like we are using them when we go into the agencies and try to educate the people working in the agencies.

Commissioner Saltzman. But none of you have seen the value of outside community agencies?

Ms. Erler. Yes, but it is a long process. When there are personnel changes within the agencies, we have to begin all over again. I think Washington should be sending some guidelines to agencies that recognize and legitimize the needs of women and children that we see.

Commissioner Saltzman. You also indicated a fear of institutionalization of the shelter. Would extensive Government funding tend to overinstitutionalize the shelters?

Ms. Fernandez. I think the government can change. We want Federal funds for the shelter. We have seen it work. We don't want strings attached to those Federal funds. We don't want all the people we hope that give us the money to show up and move into the shelter with us. But we hope that we can show them that we are ever changing. And after all, we are part of this system, like it or not. Some of us like it more, some of us don't. But we are part of it and we can work from within to change it. So I have no shame in accepting

Federal money. The more the better, as long as there are no strings attached.

COMMISSIONER SALTZMAN. The final question. Ms. Black Bear indicated that for her daughter in the future, she would not want her to be raised in the sense of a negative male image. Am I right?

MS. BLACK BEAR. Right, I would like to qualify that. Not just only for my daughters but my sons too. So they don't grow up thinking that the only way to interact with women is through abuse.

COMMISSIONER SALTZMAN. Well, in the shelter then, I think Ms. Fernandez has said that at that point, there should be segregation, and so no male contact is there.

MS. FERNANDEZ. I said in our particular shelter it works better for us not to have men there at that particular time. But as society changes and we can educate others and some of the people in the other institutions see us and work with us, and as we can establish contacts with organizations such as Big Brothers, or whatever, hopefully that image will change. But the negative image of males as oppressors is with us. When the women come to the shelter, she does need, we feel, to be away from that at that particular time.

COMMISSIONER SALTZMAN. Thank you. Do you all agree with that?

[Applause.]

MS. FERNANDEZ. I don't think we should argue about whether we should have men or whether we shouldn't. For some places it may be better. I am saying for La Casa de Las Madres, this is the best. I am not saying that is how all shelters should be. I have met some very good men here with the conference who work with shelters, and I say that is really great.

Long Term Needs

COMMISSIONER RUIZ. Here is where we are looking for that sensitive male who, at the same time, wants to work; is that correct? Fine. Now we are on schedule. I certainly appreciate and we are very grateful for the assistance and opportunity that you have given us to think and reflect on what our mission is going to be. Speaking for the Commissioners, it has been a most impressive experience. You are excused for the moment.

The time is now 10:47. The supporting services for short terms has now led us to the subject of Long Term Needs. I noticed from the program that we have on the upcoming panel, as the presentor, the Honorable Lisa Richette, please come forward. I will likewise call the panelist at this time before giving you their backgrounds. Professor Bok-Lim Kim and Lisa Leghorn, would you please come forward.

Judge Lisa Richette, graduated from the University of Pennsylvania and the Yale Law School. She is a member of Phi Beta Kappa, Mortar

Board, and Phi Alpha Theta. Judge Richette is the author of the widely renowned, pioneering book on the juvenile justice system, the *Throwaway Children,* which is on the required reading list of over 160 universities and graduate school courses.

JUDGE RICHETTE. Just stop and go ahead and introduce the others. I don't care that they know what I have done, just that I am here. Time is very valuable.

COMMISSIONER RUIZ. Humility shows strength of character. She is correct. I was not going to read all the 15 pages. But she has received many awards as woman of the year from various organizations and her services to the community are many fold. I'm sorry that I can't list them all, at your request. Bok-Lim Kim was educated at Cornell College, Mt. Vernon, Iowa, received a B.A. in sociology; Columbia University, M.S. in social work; and Program for Advanced Study Certificate, Smith College, School of Social Work, Northampton, Massachusetts, in social work education. She is associate professor, School of Social Work at the University of Illinois. She has been supervisor, Community Service Society of Manhattan East Family Service Department.

Ms. KIM. May I ask you the same thing.

COMMISSIONER RUIZ. I have another request.

Ms. KIM. The only thing that I would like that may be relevant is that I'm chairperson of the National Committee Concerned with Asian Wives of U.S. Servicemen.

COMMISSIONER RUIZ. That deserves an applause. Now please don't cut me off, or I am going to lose my place. Lisa Leghorn.

Ms. LEGHORN. I would like to ask that I could use the time you would take to introduce me for my presentation.

COMMISSIONER RUIZ. But I am going to say something. Lisa Leghorn first became involved with the problem of women abuse in 1974. She co-authored and published *The Houseworker's Handbook,* with Betsy Warrior. The *Houseworker's Handbook,* addresses the problems of wife abuse as one of the occupational hazards of the houseworker. Since early 1975, Lisa Leghorn has also done a great deal of community outreach and educational work concerning the problem in universities, churches, community and professional groups, as well as on television and radio talk shows. So then I will not read the next five pages. I ask Judge Richette to give us the information contained in her paper, that we may carefully listen.

Presentation of Lisa Richette

JUDGE RICHETTE. Thank you very much. I feel like the lawyer who is before the United States Supreme Court, who has 20 minutes to argue a 200-page brief. In this case, it would be 2,000 pages. I hope to be brief. What I'd like to do is to move this perspective away from the somewhat paranoid picture that we have fallen into at this point of the conference, and to emphasize that what we are talking about is not just a handful or even a large number of women who are particularly, strangely, exotically victimized; we are talking about all women.

We are talking about a social situation, a legal problem, a cultural problem, an intraperonal and an interpersonal problem, because it is a mechanism that goes on. So I must begin by saying that my participating here on the basis of a lifetime of experience, in that my first response to male violence came at the age of 12 when my beloved father gave me a beating because I would not obey in the way that traditional, middle-class Italian-American girl was suppose to obey. I would also urge that when we talk about battered wives, we also remember that there are battered daughters. That there are women in their early and late teens who are subjected to this kind of violence, not only from their father, but even from their brothers, which is a very interesting phenomenon. So we have to ask ourselves, how does a democratic society tolerate, how does a civilized community permit the beating of adolescent or adult people in their community.

In order to answer this question, I think that we have to go back to a clear understanding of the historical role of women in the evolution of culture. I disagree completely with what Ms. Fernandez said, that this is a problem of white society. It is a problem of human society.

In every culture, women have been oppressed from the wiping of their feet in China, to the sale of children in Arabian countries, to the treatment of women in Mediterranean countries, to brutalization of women in Anglo-Saxon countries. It is a world problem. I would like to stress that every women should exercise rereading *The Second Sex* by Simone de Beauvoir.

I would like to stress that when we talk about long-term needs and support systems, that we not become beguiled with the cosmetic maneuvers and devices. I think the shelters are extremely important. But shelters will just be underpinning to a decaying system. We will be giving not only a Band-Aid, but we will be giving conscience balm to a society which tolerates the oppression of women by the single response of funding these shelters; we must confront very clearly that all this occurs in a society because women are denied fundamental human and legal equality. It isn't that wife beating is misunderstood, it's a tacitly accepted custom in our society and it is a clear index of the devaluation of women. Now, the formal legal revisions, the tinkering with statutes will be of little avail if there are not parallel changes in the educational and cultural phases in American society.

We talk very optimistically about getting these statutes through the legislatures. Yet there are very few women in legislatures; there are very few men who see this as a high priority issue. We spent a great deal of energy to pass the excellent statute that Marjory Fields talked about in Pennsylvania, but it is indexed in the health and safety code. Again, this is a trivialization of the problem. So we start with proposition that women are not equal. We look at the 14th amendment as it has been construed by the United States Supreme Court, and we see that it is a most ambivalent and a most uncertain course for women to follow. So, the first thing I think that this Commission and all agencies of the United States Government can do, is to work unequivocably and clearly for the passage of the equal rights amendment. That is crucial, very crucial. All the shelters in the world will not provide long term support systems if women return to a society that is committed to the notion of second-class citizenship for women.

Now, I don't want to stress this point too much, but I think that it is clear that throughout history women have always been subordinated to men and their brutalization is a direct byproduct of that subordination. In the master-slave relationship, the slave is totally vulnerable to this kind of brutalization. Now, I'd like to talk about marriage, which has to be seen in that context, and pick up where Del Martin was yesterday morning. It is important to note in this charming ceremony, the query "who gives this women away to marriage?" The father turns her over to the groom, a great moment in our wedding ceremony. That really bespeaks a cultural truth, because in the eyes of the law, a wife stands before her husband in the position of a daughter, a child. So it is a model for the wife-husband relationship, a classic and traditional on a continuing down to today is the parent-child relationship, which means that here again women are subjected to what I call infantilization.

I was thinking about the Indians when the two wonderful women who were speaking this morning, and it occurred to me that a reservation is a kind of a replica of a family, and using that model that all Indians are children, the children of the great American government, that stand in the patriarchial role. So that infantilization processes have to be eradicated at every point in this society at which they exist. The important thing is that, in my own work, working as I have so long for children and for women, I am a feminist with a kind of humanistic mission. It seems to me that it is this infantilization process that all of us have to address. The American legal system is an anomaly in its stance toward women. It is underresponsive to women as victims, yet it overreacts to women as aggressors. You have only to read many legal opinions, even current ones, to perceive the negative energy that judges discharge against some women, using biblical terminology and all the rest.

We who are here in this conference should not view ourselves as the most compelling voices in America. We should not delude ourselves lest this kind of conference becomes merely an echo chamber. There are counter voices out there who not only are content with the infantilization process for women, but glorify it. I am speaking of that disconcerning triad of women, Marabel Morgan, Phyllis Schlafly, and Anita Bryant, who glorify infantilization to a theatrical extreme of caricature, suggesting that women dress themselves up as little children in costumes when their husbands come home from work. This is a very important thing for us to think about. I have spoken in the midwest and in the far west after Marabel Morgan had been there, and there has been a complete run on the lingerie departments in stores. Women are so desperate and so entrapped. They feel so utterly hopeless.

So we need to reach out to all these in a way that is not doctrinaire, that does not give them the feeling that we are extreme feminists with whom they cannot identify. I think the Martha Movement exemplified this new concern for the problem of the American homemaker who is as oppressed and exploited as that factory women who is not being paid equally, the middle-class professional woman, who is not being given a job that she deserves. We have to shift the careerist professional aspiration of the middle-class woman to a concern for traditionalist woman, the pink-collar working woman, the nonacademic. For the black and Chicano woman, a woman like me, who is of Italian background, who feel very proud of their backgrounds but at the same time cannot accept the chauvinism that is inherent in that culture, there is a special mission. So I would like to simply say that the institution of marriage, indeed as Simone de Beauvoir said, is a key institution for women. A binding arrangement that truly needs to be redefined.

We must protect women in marriage by the establishment of a wage system for housework, in which human value is equated with economic worth: she who does that work will not be respected and will not be treated with dignity unless she is paid. The problem of sharing domestic chores by establishing communal kitchens and day care centers is one with which no one is experimenting. We cook daily meals, but we should begin to work together on neighborhood and communal kitchen projects. The elimination clearly in the law of the notion that the husband is the head of the family, and the creation of the notion of a partnership scheme within the family are all tasks that need to be done. Despite Title VII, there are areas of inadequacy in EEOC which Eleanor Holmes Norton is courageously confronting by seeking to eliminate backlog of complaints of employment.

The two-track system of socializing and educating American children has to be looked at very clearly. Then there is chauvinism, machismo, whatever word you want to use, with its counter image of the pure, perfect and madonna-like woman. The Italian women's movement has a button that says "Donna non Madonna," it means, "Woman, not a Madonna." Many of you may have seen "Saturday Night Fever" and remember the moment when John Travolta says to a young woman, "There are only two kinds of women, there are [whores] and there are virgins." Too many American boys grow up with this notion. I am looking forward to programs to help men who do dreadful things to women, sexually and otherwise. All the psychological profiles show that what these men have in common is an extremely diminished sense of their own "masculinity" and tremendous anxieties which they express through this raging hostility about a woman who first is perceived as a whore or a bad woman. As long as women accept this mythology of purity about themselves and as long as young boys grow up with this kind of vision, very little is going to change. It is important that women be respected, for only when women are respected, will they not be brutalized.

This respect has to begin in the educational system. History curricula must be changed to include a complete summary of all great contributions that women have made in this country, so that a boy does not see a woman as someone whose life is circumscribed by a kitchen, but knows that that woman and others like her have accomplished great things for human rights. This knowledge is crucial. We have made a small beginning, but it is not enough to tell boys that they too can make supper. Our approach has to be broader and deeper.

Finally, in terms of the direct and continuing needs of battered women, I would like to say that I owe a tremendous debt of gratitude to my dear friend and colleague, Jennifer Fleming, who is somewhere out in that audience, who was a pioneer person in the Philadelphia Women in Transition Project and who has set up a women's resource network. Now Jennifer not only provided me with great deal of material, but also helped me to analyze the broader problem. When I asked her what she thought women needed, she replied that the first need is for more long term emotional support systems to overcome the emotional crippling and the resulting paralysis that sets in from having lived in a state of terror for so long.

Which brings me to the question of how do we get this kind of emotional support system in a country in which traditional therapies have not only reflected the second-class citizenship of women, but have been influenced by Freudian thinking with its sexism and its rejection of independent women.

Commissioners, the mental upheaval is devastating and needs new treatment programs. If we can establish that, not only in women's fields, but in many other fields, help can move away from a parent-child model, from the passive therapist stereotype. Perhaps the therapeutic professions feel threatened, but they ought not to be because I know many people in therapeutic roles who understand and accept the impact of the women's movement on their work.

There is a wonderful article by Rice and Rice on this subject, which deals with the futility of ventilation approaches, the idea that everybody is going to get in a room and talk this out. I went to an encounter type group myself, a couple of years ago, where a severely battered woman was called upon to encounter with a very violent man, who proceeded to beat her publically in the group. No one moved to help her, confirming the studies that show that men will come to the aid of another man who is being beaten, but will not come to the aid of a woman who is being beaten. These were experiments using professional actors, of course. So it happened, all men in the encounter group were talking about how sensitized they were and they hated the violence in the masculine role, yet they stood there fascinated while this man literally beat this woman down. I couldn't stand it anymore. I jumped in and for the first time in my life, I was involved in a really violent encounter with a man. I broke my own pattern.

I learned one thing from that experience and that is, when you intervene in this kind of situation, it stops that man. It just takes someone to get in there and to intervene. What has been missing is this all-important intervention. So, encounter groups are not very good for battered women. The traditional social work approach which is client centered is also not useful because many of these women have what I call the "0" syndrome. They think of themselves as zeros, just a receptacle in which men have poured their semen, they don't have brains or bodies or souls or spirits. To put all the things on those women, it is just terribly wrong and difficult.

What we really need therefore is sensitized and sensitive long term support. The goal of therapy should be what Catherine Deneuve in a recent article termed "*Rigeur,*" that it should be run by people who really do what they say and act out what they believe, which is the opposite of the process where therapy consisted of having women compromise themselves, to make the best of the situation instead of training them to have this quality of *rigeur*.

I just wanted to end by saying that we who are the bridging generation of women have perhaps the greatest responsibility of all. The 19th century women fought for freedom of occupational choice and the right to vote, because they thought that if women had those two things they could escape the entrapment of marriage. We see that we don't have freedom of occupation completely yet and that suffrage alone does not provide that kind of escape. What we need to do is this kind of fundamental, constructive work to create new structures, new institutions, new concepts of relationships between men and women in our society. So that human beings have an immediate impact upon women whose lives have been rendered so desolate by the social injustice against them, as well as to provide foundations for a new equalitarian society in which sex stereotyping is condemned as surely as racism is condemned today, as an illicit remnant of an inhumane and barbaric past. [Standing ovation.]

COMMISSIONER RUIZ. Congratulations, and that is a standing ovation. Judge Lisa Richette said that we are talking about all women, a problem of human society, a worldwide problem, that the historical and cultural norms have to be changed, analyze a solution. Shelters are but symptoms, that the changes will have to be brought about by what she referred to as the women's movement.

On the subject of battered women, look around you in this room, and count the number of men who are here, who are present. If you were to depend upon men, we would have an empty auditorium. I am interested in what the reactors have to say. I will call upon Ms. Kim.

Response of Bok-Lim Kim

MS. KIM. Well, that certainly is a very hard act to follow, especially for a person for whom English is a second language. So you have to bear with me. I think I do agree wholeheartedly with Judge Richette's excellent presentation. Thus, I really have very little to add. I have taken the task of enlarging the dimensions of her presentation. I want to highlight a couple of the points that I think are crucial. I am not interested in really talking about who suffers the most. There is no relevance for that. But I think the difference has to be recognized, the form it takes, the type of services that are needed to deal with different types of women in this country, that has got to be recognized. That, I would like to underline, if anything at all. Third world women's rights have to be recognized. I am in some kind of a dilemma. I am, you know, a scapegoated social worker also. This is one profession which does take a beating for the people who call themselves social workers whom we have not trained. We are some sort of a masochist, I feel, because we have been taking a whipping from the public. So, I have to respond to some of your remarks and make some corrections in this regard. If I have time, I would like to respond from a social worker's perspective. Now, I will go back to the text.

It gives me pleasure to respond to Judge Richette's paper, with which I am in general agreement. I am heartened to note Judge Richette's assessment that the women's movement is moving beyond a ". . .focus on the careerist and professional aspirations of middle-class, intellectually gifted, upwardly mobile women" to the "role of married women." However, I would like to emphasize two additional perspectives in dealing with the problem of battered women. First, I would like to examine the condition of third world women in the United States (women who are blacks, American Indians, Chicanas, Puerto Ricans, and Asian and Pacific Americans); second, I would like to review Judge Richette's paper from the perspective of the social work profession.

Although the similarities between racism and sexism in terms of oppression, powerlessness, subjugation, and denial of personhood have been well recognized, the women's movement and the minority groups' struggle for equality have not coalesced to work toward a shared goal. The reality is that women and minority groups have often been pitted against each other in competing for meager resources in employment and government funding for programs and services. The result has been divisiveness and each group has been suspicious and mistrustful of the other.

For this reason, I think it is important for this consultation to give serious consideration for the third world women's perspective toward sexism and physical abuse in particular. In this connection, the minority women's caucus of the 1977 IWY Convention has issued the following statement:

> Minority women share with all women the experience of sexism as a barrier to their full rights of citizenship. . .but institutionalized bias based on race, language, culture and/or ethnic origin. . .have led to the additional oppression and exclusion of minority women and to the conditions of poverty from which they disproportionately suffer.

This double discrimination results in such phenomena as "involuntary sterilization; monolingual education and services; confinement to low level jobs; confinement to poor, ghettoized housing; culturally biased educational, psychological and employment testings. . .government's failure to gather statistical data based on sex and race so that the needs and conditions of minority women may be accurately understood." I don't want us to have an illusion that this is said in a spirit of divisiveness. I want us to work together. But let's recognize the different expression of needs and different types of services, okay?

Although statistics on abused women among minority groups are as difficult to obtain as they are for majority women, it seems safe to assume that the incidence of physical abuse among minority women will be found to be greater. This is based upon two assumptions: first, the greater the stress, the greater the likelihood of physical violence at least in contemporary American society. Second, racism is a significant and major stress factor which affects minority males and females, but not majority persons. I would venture a guess that existing centers and services for abused women are seriously underutilized by third world women. We must raise the question of why this is so.

Do minority group women suffer less physical abuse? Do they have more stamina than majority group women to withstand the physical abuse? Do they have an unidentified system of support which sustains them in abusive situations? Or is it possible that existing services fail to reach them?

Today and yesterday we have been talking about scant resources for a variety of programs such as economic and job skill development, child care, legal assistance, medical care, and crisis intervention and counseling for abused women. One can use inadequate resources as an excuse for our present failure to work with minority group women. I would like us to go beyond such a pat rationale and examine our own failure to elicit participation of third world women in our common struggle for equal rights and services. The basic questions to be asked among ourselves are these: Will civil and criminal law related to spouse assault equally protect minority group women? What about those who live in common-law relationships? Does the law enforcement equally protect minority group women? Is police intervention in domestic violence as quick and effective as in the case of a white family? How do the crisis centers and allied services respond to Hispanic and Asian and Pacific American women who cannot communicate with monolingual staff and monoculturally oriented programs?

The short response time does not permit me to discuss fully the specific needs and problems that are common as well as unique to each group of minority women in the United States. But as an example of the difficulties of some of these women, I would challenge this audience to tell me what they know about the plight of those Asian wives of U.S. servicemen who are physically abused and isolated? There are about 200,000 Asian women in this country who married U.S. servicemen overseas. Obviously not all of them are abused; on the contrary, some of them are quite happy. But we do not have the necessary statistics to enlighten us about the extent of wife abuse among such couples. There are undetermined percentages of third world women who are seriously beaten and isolated, not only physically, but psychologically and linguistically. And they are locked up and they are not reaching each other.

According to Asian ethnic workers and military chaplains at military bases, there is a high incidence of wife beating among military husbands. The fact of the matter is that these women cannot use the existing women's shelters and services because of the language and cultural barriers that exist. Last year Los Angeles reported two homicides from wife battering. While I am genuinely encouraged to see constructive responses for abused women gaining momentum in this country, I am alarmed that these responses do not include minority group women or their needs and problems.

The challenge that remains is how we can work together to be responsive to the problems of woman abuse, which includes minority group women, because accusations and blame get us nowhere. I would like this consultation to raise the consciousness of the majority women so that the concerns of minority women also become their concerns. Otherwise this commendable activity may become another case of special group advocacy which, in its insensitivity and nonresponsiveness to minority women, simply serves to perpetuate racism.

In examining the recommendations presented in Judge Richette's paper from a social work perspective, we must focus on two major areas: funding and the provision of emotional support. These considerations are very important if we are to arrive at a clear picture of the realities of delivering services to abused women.

First of all, the present system of "soft" funding places programs for battered women in a very precarious position. Funds are generally allocated on a time-limited basis by State or Federal agencies; as these "seed" grants expire, agencies are forced to rely primarily on local funding for their support. However, local government bodies have only limited funds available for social services; in addition, some guidelines for the use of Federal revenue sharing funds by county governments preclude their use in funding programs for battered women. The instability of funding for programs for battered women makes it impossible for agencies to embark upon long range, deliberate planning which would lead to stable, comprehensive programs.

Moreover, the uncertain fate of many programs or portions of programs raises an ethical consideration; it is unacceptable to raise the expectations of women that there will be services available to them and then to remove those services. A woman who seeks help places herself in great jeopardy; she is in even greater danger if, having left home to seek help, she finds that none is available because of funding cutbacks. Finally, to continue the uncertain financial position of programs for battered women is to perpetuate the feelings of helplessness experienced by battered women.

Second, in considering the recommendations presented in this paper from a social work perspective, we must consider the nature of the supportive services to be offered. Two points must be raised here: the orientation of the therapists and the involvement of men in the therapeutic process. First of all, Judge Richette rejects conventional psychotherapy as being subject to "misogynist biases of the classic Freudian approach," and cites the resistance to change which is often found in the current, male-dominated therapeutic establishment. However, there is also a risk involved in choosing a "feminist" approach to treatment, an equal possibility that bias will intrude into the process. It is possible that we may create an "echo chamber mentality" about therapy if only females and only a particular approach are included in emotional support offered to women.

Second, in those instances in which the woman chooses to remain with or return to her partner, the therapy provided must be mutually supportive of the two of them. We must move away from an adversary orientation toward a more collaborative effort; we must develop male consciousness-raising groups and treatment programs for men who have been involved in battering women. If we do not make a concerted effort to change male attitudes toward women and to alter their behavior toward them, then we will always be treating symptoms. Although it is certainly true that we must give priority to providing services to women who have been battered, we should also seek to reduce and eventually eliminate battery, a goal which we can achieve only by effecting changes in male attitude and behavior.

Finally, it is important for any therapeutic process to include the development in women of realistic, healthy attitudes toward males because of the impact of prior battery and their responsibility to deal with their children who have also been traumatized by domestic violence within their home. Therefore, the children should also be included in the therapeutic process so that attitudes and behavioral patterns they have observed in their parents do not become a part of their own behavioral repertoire as adults.

The social work perspective, then, must not fall into the mistaken stereotype of the nonjudgmental, passive, client-centered approach which focuses only on the individual. The social work perspective must consider the entire spectrum of issues and relationships confronting the battered women and must provide the broadest possible range of supportive services which will enhance the woman's ability to take control of her life in a manner which will ultimately be healthiest both for her and for her children.

COMMISSIONER RUIZ. Thank you, Ms. Kim. Lisa Leghorn, please.

Response of Lisa Leghorn

MS. LEGHORN. I have found it very hard to structure a response to such an incredible topic in only 10 minutes, so I am encouraging people to read a written response which I will be submitting to the Commission. The most important thing I would like to stress is that in examining the nature of the short term support services for battered women, which have been developed by feminist grassroots organizations around the country, it is crucial that we look at the principles and ideology behind these services. They contain within them the process that is necessary for creating long term change within society as a whole as well as short term change in the lives of women who are directly affected by the battering. One of the most important elements of these support group and shelter services that makes them so effective is that they provide validation of women's experiences. One of the ways in which they do this is to say to women, "It is not you that is sick, it is the society in which we are operating. It is a society which is responsible through sexual as well as racial and class domination and oppression for creating the structures in which you are embedded."

That is not to say that this is like a formal rap presented to support service recipients, but that it is a perspective which is viewed throughout the whole service program. Another vital aspect of shelter services is the sharing of experiences between women. It is not like the top down, hierarchical relationship of counselor to counseled, but it is a sharing between peers, between women who have been in similar situations. This very process, the self-help process, is one which facilitates each woman taking control over her own life, which then can be expanded on a long term basis. When we talk about the kinds of social changes that have to take place for battering to end, it is this process of empowerment, the process of women taking control over their own lives, which is so crucial.

As the battered women movement develops, it is important that we look at and learn from some of the experiences of the antirape movement. There are close parallels between the two movements in the analysis of the problem, and in the alternative institutions which have been developed by grassroots for addressing it. As private and government monies were allocated, for antirape services which the grassroots groups had labored years in freeing up, most of these monies were not to these groups, but to various professional agencies with little or no experience with the problem, who have been notorious for changing the focus of their work and the social problems they deal with as the flow of monies changes.

It is essential for us to examine the lack of accountability by governmental and professional agencies to the very people who brought the movement to the fore and developed the service model which was replicated by these same institutions. Equally as alarming is a the possibility of cooperation, whereby the guidelines and strings attached to the monies that are made available are deeply imbedded in their most basic assumptions in a philosophy of service which is antithetical to the healthy response embodied in the grassroots model.

An example that I would like to use of this problem of misallocation of inappropriate funding is the incredible emphasis currently being placed on researching the problem of battered women. I think we are all aware, or we wouldn't be here, that the problem is enormous. Our emphasis clearly has to be on what we are going to do about the problem. Research which is appropriate is that research which can be directed toward helping us to understand it better and do something about it. I think there are a lot of ethical considerations about the kind of research that is done.

An example is the whole question of who are the experts. I firmly believe that in this movement, the experts we should be talking about are the women who have lived through this degradation and humiliation. Any research that is conducted should be conducted hand in hand with women who have been through the abuse. I think another ethical consideration is in what way the research can be used in addressing the problem. An unfortunate example is a recent study which was funded by NIMH, in which Suzanne Steinmetz came up with the findings that husbands are abused by their wives as often as wives are by their husbands. I think that there are tremendous problems in the methodolgy of that study having to do with some of the ethical questions I raised. But there is also harm done in the general perspective in that the study's conclusions are completely isolated, and do not look at violence between women and men in a social context. The study didn't ask if women are being violent in self-defense. This is a critical oversight because most of the violence that women ever have perpetrated against men is in self-defense against husbands who have for a long period of time been ruthlessly battering them. This kind of irresponsible research has been and will continue to be used as an argument against funding shelters for woman, and in light of the effectiveness of shelters in saving and changing lives of degradation, we must ask ourselves why this research?

The same principles of validation, peer support, self help, and empowerment that constitute integral parts of the grassroots service models which have been developed, will create a framework and guidelines for our work when carried into long term policy and social change questions. On a long term basis, this means raising public awareness concerning, and a serious commitment toward eliminating violence against women. This must take place concomitantly with a structured in accountability by the perpetrators of crimes against women to their victims as individuals and to society as a whole. There are many ways in which this process can happen, including appointing, with her consent, the abused wife as her husband's probation officer; serious peer pressure against battering in the form of ostracization; loss of job or wage assignment or transfer of property to the abused wife; and a western form of public tribunals in which the husbands of women who are safely sheltered elsewhere are picketed at their church, work place, or home with extensive press coverage.

Married women need not only legal, economic, and social protection, but equal power and control over their lives. When there are no other viable choices for women's survival, marriage and the nuclear family becomes a necessity, no matter how degrading, not a choice. Thus, the institution of marriage and the nuclear family operate within a total social and economic context which must change as well.

That the nuclear family is not working in this culture can no longer be questioned. Battering, marital rape, and sexual degradation and abuse of this children in the family are merely the most blatant and horrifying expressions of this deterioration. But what kind of changes are necessary and possible to eliminate domestic violence, to empower women and to reinstitute respect and dignity between men, women, and children of all ages?

Having lived in several Ewe communities in the south of Togo in West Africa, I have to say that I strongly disagree that shared childrearing functions necessarily produce children with social and psychological problems as has been implied by mental health professionals. Never have I seen an existing society where there is as much dignity, respect, integrity, and lack of violence among all persons as I experienced in Togo. In most towns and villages, people live in extended families with strong networks between family compounds. Child care is collectivized between the women and older children, and children are responsible and accountable to rewarded and cared for by all adults in their neighborhood.

I think that the centeredness and sense of self and mutual acceptance come from this constant reminder that everyone is a part of a loving, respectful, and concerned whole. It is important to note that this social fabric is deteriorating in the large towns where Western norms, laws, and institutions have been imposed on Ewe culture, and the nuclear family is the new model. Consequently, there are increasing problems with juvenile delinquency, battering, etc.

I am not arguing, however, that in our ideal family, women as a group should collectively be responsible for child care, any more than individually they are now. Widespread economic changes must take place so that women's work in the home can be recognized as work and compensated monetarily. However, I think that this recognition and compensation should come from our society as a whole, which is to say the government, which has hitherto taken no responsibility as a society, for the rearing of children and maintenance of homes, but simply left it for women to take care of, with no social support whatsoever.

Payment for work in the home must begin with changes in the social security laws, access to credit, displaced homemaker acts, subsidized child care and home maintenance service, and fundamental changes in the structure of our system of public welfare. The current welfare process penalizes victims of a society which does not pay women for their work in the home and pays women working outside the home only 56 percent of what men are paid. Most women cannot support themselves, their children, and pay the cost of child care while they are working, thereby forcing them onto a scornful system of public welfare. One quarter of all the families in this country have women head of households.

Such broad-based changes in our economic system would require massive restructuring of our priorities. We would be forced to address the tremendous question of human needs and human rights, rather than the violation of those needs by a merciless and irresponsible system based on private profit. Changes in the law, transforming welfare into a guaranteed minimin annual wage, better implementation of the Equal Pay Act, etc., are all first steps toward this change in prioritization in our economy. But they must be accompanied by a new commitment on the part of our society as a whole towards valuing not only women's work, but women's physical and emotional integrity. Changes in the law can be used to help protect women from flagrant abuses of power by men as well as private and public institutions. Yet these very abuses cannot be prevented through changes in the law, but only by changes in the culture which sustains them.

I would like to conclude with the observation that the degree of violence against women cross culturally is proportionate to women's power and control over their lives.

In the Ewe culture in West Africa which I referred to earlier, rape, battering, and sexual harassment were virtually unknown until the beginning of colonialism. Until that time, and to a certain extent still today in the villages, women were economically independent, represented in political gatherings and conflict situations by a queen mother and had strong support networks through the extended family structure. All persons were raised with a strong sense of belonging, responsibility, and accountability to the community as a whole, ancestors and living alike. Consequently, morality was internalized and did not need to be institutionalized. Precolonialist Ewe society had no courts, police, or jails, simply public tribunals where conflicts were aired and resolved by consensus. The system of public tribunals has also been used by women in China since the revolution for dealing with abusive husbands. A woman who was being abused by her husband needed only to notify the local women's association, who held a public tribunal. If the husband maintained that he still held his age-old right to beat her, or if he violated a promise to discontinue the abuse, the women of the village simply beat him up. Their authority in so doing was accompanied by a commitment on the part of the new government toward greater participation by women in creating a new social order, and –

Commissioner Ruiz. You have 2 minutes left.

Ms. Leghorn. —general societal transformations were taking place which were slowly empowering women. The combined effect of all these changes resulted in the cessation in a relatively short span of 30 years of the existence of wife abuse as a social institution.

For such a transformation to take place in this culture, short term support services, changes in the laws, in education, and the media will have to be accompanied by long term social, economic, and political changes, such as those mentioned previously. But for this process to be effective, it must integrate the long and short term work with the principles of empowerment found in the shelter group services. Each step we take today must lay the foundation for a new social order free of domination, where each person is empowered to control her own life, with dignity and respect.

Discussion

Commissioner Ruiz. This seems to be getting hotter. Oftentimes interest sometimes falters on the second day. But this does not apply to this audience. By virtue of the fact that Commissioner Freeman has to take a plane, I am going to get back to Judge Lisa Richette. But first we will ask Commissioner Freeman to ask questions or submit ideas that she may have.

Commissioner Freeman. Thank you for calling on me, but I don't have to take the plane right away.

Commissioner Ruiz. She has a meeting right away.

Commissioner Freeman. I also want to say thank you to each of you for excellent presentations. With respect to long term needs, there are two concerns that I have. That is that in recognition—well, first of all I'd like to say to Professor Kim that your presentation of the need to include third world women, and meaning of course to include minority women, is very helpful because the problem, as you well know, is many times overlooked. There are special needs and special concerns that have to be recognized. As I listened to Ms. Leghorn describe the family in Togo, it occurred to me that she really didn't have to go to Togo. She could have gone to any Indian reservation, could have gone to any community where there are black families. We grew up with the extended family. Where I grew up in Danville, Virginia, all people told me what to do. So this is part of it. So maybe this is something peculiar to minorities, I don't know. Anyway, I do know that the extended family—this is part of what I was getting at when I asked about the relationship, continuing relationship of the victim to her family after she seeks shelter. Because we have to recognize that the shelter has to be temporary—it has to be temporary. The question that I would like to see dealt with is, what programs can be instituted to change the behavior of the male, of the person who is assaulting? In terms of long term needs or short term needs, what needs to happen? You just can't pour water over it 2 hours later. What needs to happen to change that procedure?

JUDGE RICHETTE. Commissioner Freeman, I have a lot of experience with men who come before me and are found guilty by juries. I am not satisfied, at least in my area, that the therapies that have been set up on an outpatient basis to deal with them are either scientifically grounded, well supervised, well monitored, or well controlled. Because it is very like rape, Commissioner, the rates are very high.

COMMISSIONER FREEMAN. What this Commission needs to know –

JUDGE RICHETTE. Is research.

COMMISSIONER FREEMAN. What is it that we could recommend?

JUDGE RICHETTE. One man in my jurisdiction is a psychologist who has done a study. He put together a Rorschach kit. This is a Rorschach profile of a violent man who will ultimately kill. So that if a psychologist would give this test, he would have a quick indicator that the person he is dealing with is a dangerous person. I don't think we need to go over the causes of his behavior. I think that we need research to develop the kind of profile which will be useful for people in rural areas who do not have sophisticated universities, clinics to do indepth study.

I defer to Professor Kim, who is more experienced in that field. I see it as a judge.

Ms. KIM. I think we do need several levels of intervention. I think man has to understand that hitting a woman is criminal. Period. All levels.

Number two, I think that we have a long range and short range, but basically I think we cannot allow having people being violent on our mass media and all the rest and expect males not to be violent. So that is another thing, but also as a social worker, I tend to put hope in the future in terms of childrearing and many other practices, and also our schools. I think we just have to attack it. It is like sexism and racism, we just have to find different means of mediating our differences.

Ms. LEGHORN. I would like to add to that. I think that what has to happen at every level is that society has to make a commitment to saying that violence against women will not be tolerated. There is a group, in Boston, for example, of men who have begun to do counseling for battering husbands. Something that I think is significant about their perspective is that it is coming from a real commitment toward addressing and changing the power relation between men and women. In their work, they are making it very clear, that they as men will not tolerate violent behavior toward women and that there are alternatives. I think that a similar process has to happen on the level of the criminal justice system, which has to take it seriously and treat it as a crime. This does not necessarily have to mean incarceration, as there are many possibilities for creative sentencing.

The commitment toward not tolerating violence has to happen within everyone's community, as well as within families, where people who know what is going on hold the batterer accountable for his behavior and expose it and state publicly and strongly that they will not accept or condone the behavior. Until that kind of response takes place on all these different levels, I don't think men are going to change. Even if they are going to some kind of counseling that only be effective, they might go to that counseling 1 or 2 hours a week, and the rest of the time their negative attitudes toward women and violence are being reinforced by society. So all these changes must take place at the same time.

JUDGE RICHETTE. I was listening to the "Today Show," and Anne Bancroft was asked what it is like to be married to Mel Brooks. She told this little story about an argument with him, and his raising his hand to hit her. There was no shock or horror in her voice. She told it as part of a joke apparently. As he reached to hit her, she said, "No, no, not my body, my body is my instrument." He said, "Well, play 'Begin the Beguine' on it."

People laughed at that. I go to nightclubs, and comedians make jokes about wife abuse and it is considered very much the whole fabric of American culture. So I thought if you were asking what to do specifically in therapy for men today, I would reemphasize that judges who really want to do something in terms of social control, find very few diagnostic tools for these men.

If I could just take one more second to say that I think that the mental health establishment in which the Federal Government is deeply enmeshed, has a very big job. I would submit that, instead of worrying about whether men beat women or beat men, let's find out about violent people in this society and do something about curbing the violence through effective therapy.

COMMISSIONER FREEMAN. Since you mentioned television, I would like to ask if you would want to comment on Archie Bunker?

JUDGE RICHETTE. I don't think it is worth commenting on. People say, when I go to talk, Commissioner, they always say, do you have visual aids, like slide projectors, etc., and I say no, the entire culture is my visual aid.

COMMISSIONER RUIZ. To the question put by Commissioner Freeman, Judge Richette, we have heard testimony with relation to the shelters reference, and the need for a woman for loving and understanding by another person of her sex. We are talking here about the extended family. I have never experienced in any court of law and perhaps it might be a partial answer, whereby by reason of the extended family an invitation would be made to brothers, other men of the extended family who, over a period of time and years, gained the confidence of more violent persons than themselves, who were related, let's say, the best man friend to counsel with husbands. I have never seen that in any court of law as yet. I was wondering if you have had any experience along that line.

JUDGE RICHETTE. Commissioner, I would say that any help that can be given to the woman from any corner is useful. I, as a judge, call on a whole spectrum of people to come in and help. I asked for families to come, and all the people you are talking about, I do that. But in a way, what we were talking about was changing the root causes. If one man confronts another man and says, you stop beating this woman, or I'll beat the hell out of you, you are really just underlining the violence. All you have done is find another protector for the woman. You have not dealt with the fact that, suppose the brother is out of the country or suppose he moves to another city or he is not available when he starts beating her up next. In other words, it is not enough to just get another male protector, although it could be very useful.

COMMISSIONER RUIZ. Do you have any more questions, Commissioner Freeman?

COMMISSIONER FREEMAN. No.

COMMISSIONER RUIZ. Murray Saltzman?

COMMISSIONER SALTZMAN. I would like to reiterate the words of my colleague, I find the comments very helpful in the situation. I am impressed with Ms. Kim's collaborative efforts because, of course, if society is going to be changed, then men and women have to do it together. Apparently, what we are talking about is some fundamental changes in our social structure, which up to now perpetuates violence. I think that the less adversarial environment we create, the more the possibility for cooperative effort, though at some stages I guess when there is an evil, you have to do battle with that evil.

But I appreciate, Judge Richette, your approach to the entire problem. There is a sentence I'd like to quote out of your paper. You state, "The remedy, however, cannot be an easy and inexpensive form of divorce which proves from the masculine standpoint an institutionalized form of successive polygamy in which the male has the distinct advantage of selecting a new mate from a steady pool of younger women."

So I assume that the point of view is the availability of divorce as a solution, again, a mandate not responsive to the fundamental issue.

JUDGE RICHETTE. Yes.

COMMISSIONER SALTZMAN. I wonder if you could comment about marital relationships. There must be a structure of some kind pointing to the ideal, from your perspective as a woman judge. What are the dimensions of an ideal relationship?

JUDGE RICHETTE. I think one of the real problems, at least for my generation of women, Commissioner Saltzman, we did not grow up with the opportunity to be friends with boys. As soon as we entered adolescence, the whole sexual tension began in us, and we did not have the opportunity, many of us, to really relate to men as equals. I escaped this because I went to an entirely male law school. I went to Yale at a period when women didn't go to law school. So, some of them had to talk with me. Occasionally they talked with me.

But I think that any marriage relationship must begin with a spirit of friendship, of an enduring human commitment that is founded on mutual respect and dignity and love. And that cannot be where one part feels that he is either contributing more, he is more important; there must be equality which does not need identifying. This does not mean that men should be like women and vice versa, it simply means that they should be equal.

COMMISSIONER SALTZMAN. So that the breakdown of the separation of segregation in our society, of adolescents in school and programs such as those in the primary grades are very important. That should be part of the central solution that we are aiming toward.

JUDGE RICHETTE. That is right. There is a very deep apartheid in our society that men and women really don't spend a great deal of their significant hours together. There is a world of men and there is a world of women.

Commissioner Saltzman. I'm also particularly interested, as a clergyman, in your remarks about the marriage ceremony and the concept of giving away. Within the Jewish tradition, the woman was never given away. Both families participated in the wedding ceremony. Under much pressure from young women, I have retreated from the Jewish tradition's emphasis on the sharing of this moment by both families. Young women have tended to romanticize and idealize the marriage ceremony, and really want their fathers to give them away.

Judge Richette. No, I don't think you ought to boo that please, because that is real. Marabel Morgan is real. We can't just boo that down. It happens and I'm very interested.

Commissioner Saltzman. My concern is how can we transmit to young girls the sense of their identity and an unwillingness to subjugate themselves to a romanticization of what marriage is about. I think you alluded to this. The feminist movement sometimes frightens women away who really would like to participate. But sometimes in the radicalization of efforts, they get frightened away. The average middle class young person, out of my experience, the young woman and the young male want this beautiful romantic affair, and lose sight of a realistic view of mutual responsibility.

Judge Richette. That is right.

Commissioner Saltzman. How can the view of a more constructive response to a mutual relationship be transmitted into this romanticized view of what marriage is about. I think that is testified to by the enormous divorce rates and the battering. It is a reality out there in America.

Ms. Leghorn. Mr. Commissioner, I'd like to also address that because I feel like one of the major problems that has faced women has been our lack of options and lack of alternatives. That is precisely one of the major aspects of our society that the feminist movement has addressed not only in terms of services and alternative lifestyles—but to create options for women to identify themselves.

An example I would like to use is our dominant culture's mythology where everywhere we go, in the media, the schools, wherever we have different images of the ugly women that we don't want to emulate. It is a kind of social control that when women behave independently, they are accused of being lesbians or whores. If women choose to live and associate with other women, they are called lesbians. If they choose to live independently or relate to a variety of men, they are called whores. If they choose to live alone for a long period of time, they are called old maids. All of these stereotypes serve to intimidate and control us and keep us in line because if we can't live alone, see many men, or live with women, then the only option left available to us is to live with one man—marriage.

Judge Richette. I wonder—really we ought to be reaching these young women at a much earlier age. If you are not academically motivated, and you get into the atmosphere of the traditional high school cheerleader with their pom-poms, what perspectives do you reach?

Is there some way that the history courses that we have—is it possible to have an educational program that truly reflects the various options that women have taken throughout history. The reality of these options are today widely available, and are called affirmative action. Tell them that there is Title VII and all the rest. It is not done. I will go to lecture to a middle working class high school, a Catholic school, for example, and I always end up talking to the girls who want to be executive secretaries. After a few minutes, they are not interested at all, and I ask then why they are there. They tell me that since they don't know what they want to be, they are told to go to the secretarial section. When you find out what these girls really want to do with their lives, they have no concept. Maybe they'll get married, maybe get a job. But the idea that they have to live with that person, themselves, for the next 75 or 80 years never occurs to them. All types of things will happen along the way, that they will not have that man to support them, they may have a child who has a problem and all that. I think we do a dreadful job of educating young women. No wonder they want to be given away by their fathers.

Ms. Leghorn. I think a tremendous amount of change in that area has already taken place. There is a lot of work that the women's movement has been doing in terms of history courses, alternative education, media, the media's representation of violence against women, etc. Women have been doing a great deal of community organizing, creating options like community health centers and addressing welfare reform and other such issues.

The women's movement has been doing a great deal of work that has been addressing these issues which effect the lives of many women, most women in America. But I think that one of the problems has been that the media has chosen very, very selectively what portion of our work they are going to publicize. So people don't know about a lot of work that is going on, although it is impacting people on a local level. But on a national level it has been completely discredited, and I think it is important to recognize the change in the way young girls perceive themselves now, their options and willingness to tune into and direct their anger that is starting to take place in a lot of communities. And that is not thanks to the media, it is thanks to the movement, which has been strong enough to have these effects on the culture, in spite of the media's lack of support, and the lack of support of government and many other institutions.

COMMISSIONER RUIZ. Well, everything is not lost. Commissioner Flemming is of specific value to the Commission, because as Chairman, he is forever seeking solutions. Now, may we have some inquiries. I called him last this time because I wanted him to listen to everything. Chairman Flemming.

CHAIRMAN FLEMMING. I want to commend those who participated in the program this morning in that they did ask us to listen to testimony, first of all, on what is termed the "short term" solution to some of the issues focused on the centers. Then that made it possible for us to think in terms of some of the long term possibilities.

First of all, Judge Richette, I certainly agree with you that whenever we look at a specific area, such as the one that we are looking at, we should be asked to relate it to the overall denial of fundamental rights. I think that your presentation reminded us again of the fact that we can't afford to focus on one denial to the exclusion of others, because when we exclude others, we are undermining what we are trying to do in one particular area.

I noted your recommendation to this Commission that we support the equal rights amendment to the Constitution. This Commission, from the time that that amendment was submitted to the States, has given it vigorous support and will continue to give it vigorous support. I think that it is very important for this Nation to ratify that amendment if we are going to deal effectively with this particular issue, as well as other issues which involve the fundamental rights of women. Of course, we do from time to time focus on Title IX of the Education Act. I know that there are those who allege that possibly more attention is given to Title IX or some aspects of Title IX should be given to it. But I think this brings us right back to your basic point. Title IX is dealing with fundamental rights and dealing with the application of some of those rights in a very practical and important manner.

I was interested in your dialogue with Commissioner Freeman. She raised the question of what are some of the specific kinds of recommendations that we can make to deal with some of the basic issues that you have identified. I noted your emphasis on research and your relating that to the field, for example, of mental health. There is not a doubt in my mind but that additional research is needed and should be carried on in this area. I took note of your comment relevant to one research project, I noticed on one of the television stations last evening that a fair amount of attention was given to this hearing. But the anchorperson wound up by calling attention to the results of the research to which you referred. So that indicates how research projects be presented out of perspective. But I still have the feeling the field of mental health knows enough already so that if those working in it were willing to focus on the issue that we are talking about that could be of real help in dealing with the very traumatic experiences that women are called upon to go through. Also they could be a real help in counseling with men.

But the evidence, so far in this hearing, has indicated that not a great deal in the way of resources is being concentrated on this particular area. I will probably want to ask some questions about that this afternoon. Along that line, I personally over the years have felt that oftentimes we are too inclined to engage in generalizations. I have been interested in the discussion that has taken place—not just this morning, but also yesterday—as to the role that men could play in dealing with the basic problem that confronts us. I appreciate the significance and the soundness of some of the generalizations. But the question that occurs to me is whether or not we spend enough time looking for the exceptions to the generalization, namely the men who would be willing to get in and really help to deal with this situation in a constructive manner.

Commissioner Ruiz called attention to the fact that apparently this consultation has not attracted a great deal of attention as far as men are concerned. It is clear that a great deal of missionary work needs to be done in order to convince men that there are things that they could do in order to help deal with this problem. I have a feeling that there are some who can rise above some of the considerations that have been identified here, and rise above them in such a way as to be of very real help in dealing with the situation.

JUDGE RICHETTE. I just wanted to say that when we are talking about models and construction, we are not talking about individual human beings. This always gets confused and trivialized when we address this issue. "I don't know why you want equality, I still want a man to open my doors." That is nonsense. Of course there are thoughtful, sensitive, caring men on every level of society. That is clear. What we are saying is that the masculine model for marriage has been parent-child model. I wouldn't like to see the feminine model for marriage be a parent-child one either. That's why I get very nervous when people talk about parent-child models. Even the Casa de Las Madres is a mother figure. That may be a very good shelter, but what we need is a model that is based on equality of two independent human beings.

CHAIRMAN FLEMMING. So that model will ultimately become a different model than what we are experiencing at the present time. But again, this has been a very healthy process that we have gone through this morning in dealing with a very specific situation, a situation that we recognize identifies a need. We wish that we didn't have these problems, but we know that we do have them. We know society is not responding to the situation to the extent that it should. We spent the latter part of the morning putting it in this broader frame of reference. May I say this, I do appreciate the identification of the fact that in dealing with this situation, we have got to recognize that we are still dealing with racism.

It has become popular these days to say that racism is something we had to deal with in the '50s or '60s, but we really don't have to deal with it today. There are those who resent it when we use the term, but as a result of our work, not only in this area, but in other areas, we still know that it still does exist. Hopefully, we will deal with it in a positive and constructive manner. I appreciate your relating it to this situation in the way in which you did, because if we don't do that, we are just ignoring a fact of life that confronts us at the present time. Thank you very much. Commissioner Ruiz, unless you have more questions, I am almost ready to bring this morning session to a close so that we can get ready for the afternoon session.

Commissioner Ruiz. Carol.

[Announcements were made by Ms. Bonosaro.]

Commissioner Ruiz. We are recessed until 1:30 p.m. sharp.

[A luncheon recess was taken.]

AFTERNOON SESSION

Causes and Treatment of Wife Abuse

Chairman Flemming. I ask that the consultation come to order please. For the first part of the afternoon, we are going to deal with the subject of wife beating, causes, treatment and research needs. I'd like to recognize at this time, Dr. Murray Straus, professor of sociology at the University of New Hampshire. I'd also like to recognize as members of the panel that will be reacting to Dr. Straus' presentation, Dr. Elaine Hilberman, assistant professor of psychology at the University of North Carolina; Dr. Lenore Walker, associate professor of psychology at Colorado Women's College. Mr. Straus, we appreciate very much your willingness to prepare a summary of your paper and participate with us in this consultation. I am very happy to recognize you at this time. May I ask that consultation be in order please, so that Dr. Straus may begin the summary of his paper.

Dr. Straus. Thank you.

Chairman Flemming. Again, may I ask consultation to be in order. If there are matters that need to be attended to, may I ask that you do that outside the conference room. May I ask that the doors be closed so that we —again Dr. Straus, we are very happy to have you with us.

Wife Beating: Causes, Treatment, and Research Needs

Presentation of Murray Straus

DR. STRAUS. The assignment given to me by the Commission was to prepare a paper on the causes and treatments of wife beating. The instructions included a long paragraph on causes and a whole list of theories to be investigated, many of which we have heard about already in this consultation, violence in the culture, sexual equality, generational aspects of the transmission of violence, the significance of alcohol, drugs, poverty and so forth. I was also asked to consider prevention and treatment and research strategy.

The paper I prepared runs almost 70 single spaced pages. So it is pretty obvious that in 20 minutes one cannot even summarize it. I just have to pick out some parts of it, some small fraction of it that might be most relevant for our meeting this afternoon. Then you will all have copies of the paper because of your registration for the consultation.

CHAIRMAN FLEMMING. Your 20 minutes begins now, not 5 minutes ago.

DR. STRAUS. Thank you. What I am going to focus on are two things, first, a brief introduction on just how much wife beating there is in the United States. Second, I will discuss the kind of long term changes in the society which can help avoid the need for what we know is now so urgently needed, for example, shelters for battered wives. Most of the time will not be spent on what to do about the immediate situation of the women being beaten. I hardly need to tell this group how incredibly important that is. My not discussing that does not measure how important I think it is.

How much wife beating? The statistics that I'm going to give are imperfect, but they are at least better than any others we have had up to this time and probably are the most accurate estimates. They are based on the study of a nationally representative sample of American families—2,143 families represented all parts of the country, all races, all socioeconomic levels. The unit of analysis is couples, both those with and without children. A random half of the respondents men and half are women. Incidentally, they did not need to be formally married, they simply had to have cohabiting arrangements. Being formally married was not part of the criteria.

Now, it was not easy to knock on 2,143 doors and find out just how much violence goes on behind these doors. Richard Gelles, Suzanne Steinmetz, and I spent several years developing the techniques for doing this. And then further developed them in consultation with Response Analysis Corporation, the firm that did the survey (and did, I might say, an excellent job on this). Still there are inherent limitations with what you can do in that kind of door to door survey. What you get is a cross sectional picture of family life, including the violence in the family life, leaving out for the most part, although not entirely, the details of the ongoing process of life that leads to both the satisfaction and the tragedies of family life.

It is also important to recognize that one just can't start right out asking about violence. We put it into context of conflicts in the family, disputes between husband and wife, between parent and child, and between children in the family. Then after some discussion with our respondents on this, we asked them about what they did when conflict occurred, starting out with things that are pretty generally acceptable such as talking about things, reasoning them out, so forth. Going on to increasingly more cohesive kinds of activities or tactics used in conflicts, until finally the list comes to the items which involve acts of physical force. These are throwing things, pushing, shoving, grabbing, slapping, kicking, biting, or beating with the fists, hitting with an object, beating up the other person, threatening with a knife or gun, and actually getting out a knife or gun.

The wife beating index, for which I'm going to give the incidence rates, uses the things on this list that are more severe than slapping, pushing and shoving: kicking, biting, hitting with an object, pushing, etc. i.e., things going beyond ordinary pushing, slapping and shoving.

I don't want this to be misunderstood as my saying that we need not attend to that more ordinary violence. We do, because I believe it is part of the genesis of the wife beating. But in order to have a means of identifying "wife beating" for this presentation, it is only those more severe acts of violence that I am talking about.

What we found was that in the 12 months prior to the interview, 3.8 percent of these couples reported one or more physical attacks by the husbands which were serious enough to fall into our category of wife beating. Now, if you apply this to the roughly 47 million couples in the United States, then in any one year, about 1.8 million, almost 2 million wives are beaten by their husbands.

Then there is the question of was that just one such beating. No, it turned out it was not. In fact, where violence at this level occurred, on the average it occurred more than once. The average is 2.4 times, i.e., a typical pattern of two to three serious assaults a year. In about a third of the incidents, there were five or more during the year. This is not a third of all American families but a third of those in which there was one wife beating incident, there were five or more.

Now those are pretty high figures, 1.8 million. But for reasons which I documented in the paper, I believe it is a serious underestimate; just how much is very hard to know. It could well be double that. For the ordinary violence in marriage, I would say that probably characterizes most marriages, 60 percent anyhow. Just what it is for the severe assaults that fall into our wife beating index is hard to say. But in any case, I believe these figures are underestimated. So we are dealing with something that effects the lives, quite literally, of millions of women.

What can be done about that? My priorities as a citizen, of course, are that the first steps are to help those women who are being beaten now. Hence, I give the number one priority to establishing shelters for battered wives. There is no question in my mind that we have to attend to the people who are in that situation right now. On the other hand, we can go on doing that for hundreds of years. So we also need to attend to the larger question of what are the social forces that bring this about. Therefore, there is a section of this paper called "A Sociological Perspective on the Prevention of Wife Beating," which looks at the forces in society which produce these 1.8 million or more cases of wife beating each year.

The causal factors and the policy implications I have identified are things which follow from my perspective as a sociologist. There are also things that come out of other disciplines which I do not cover. I have isolated six causal factors. And underneath each of those six there are policy implications. Now altogether there are 21 policy implications associated with those 6 factors. I will just read out each of the six factors and policy implications and then come back to deal with a few of them because that will be all the time I have.

The first causal factor is one that is difficult for many people to use: There are norms, rules of behavior in our society which makes it legitimate to hit other members of one's family. In the case of husband and wife relationship, there is an unwritten rule largely unrealized, but nevertheless, operating and powerful. It attaches an unwritten clause to the marriage contract, which says that a marriage license is a hitting license. Somehow we need to deal with that norm, that cultural rule of our society which legitimizes violence. One way of doing it is what we are doing today and yesterday. That is to make the public aware of this largely unperceived norm. Because it is so contradictory to other things that we expect and value from a family, I'm hopeful that this realization will motivate people to concel the battering license aspect of marriage.

We need to redefine marital and family relationships as one in which any use of physical force is as unacceptable as it would be between any of us in this room.

I have often had the experience of telling people that, for example, 16 percent of husbands and wives hit each other in the last year. Some people's reaction is to say, that means 84 percent never hit each other and question why I talk about all this violence in the family.

But suppose I did a study of your church, and I reported that in the last year only 16 percent of the members of that congregation hit each other that year. Would anyone consider that a nonviolent congregation? No. But there is a tendency to do that for families.

The point is further illustrated through some work I've been doing with Odyssey House in New Hampshire. Odyssey House is a treatment facility in New Hampshire dealing largely with adolescents. Like other Odyssey Houses, it has a set of cardinal rules. One of the cardinal rules is "no violence." This is exactly the opposite of the cardinal rule in the family. When I first heard this, I said to the director, well, that is a nice rule! I wasn't too ready to believe it. But I believe it now. I tracked down one violent incident, but by and large, nonviolence is a rule which is followed there. It is, as I said, exactly the opposite rule of the family. The family rule is that if someone does something wrong and doesn't listen to reason, physical force can and often should be used. As the saying goes, "Johnnie, I told you ten times," or "if you run around with that guy anymore," or "if you nag anymore," or whatever it is. The rule in the family is that violence, physical violence, is morally right when dealing with wrongdoers.

CHAIRMAN FLEMMING. Your 20 minutes will run out in 4 minutes.

DR. STRAUS. A second causal factor is that wife beating reflects the society's violence. We are a very violent society. The murder rate, assault rate, the frequency of wars, the number of people in prisons—on almost any index we are pretty near the top of the list of industrialized societies. That has a carryover. It both influences the family and also reflects what goes on in the family. So there are a series of policy implications that deal with government's use of force, gun control legislation, and things of that sort.

Third, the third causal factor is that the family is the primary setting in which violence is learned, in which we all learn to be violent. We learn it to a considerable extent through physical punishment. When parents hit a child, it is almost always for the child's own good, to train and correct and protect that child. For example, the child is learning not to run out in the street and get killed, or not to pick up dirty things from the floor. But that child is also learning that love and concern and violence go together, and that physical force is the thing to use to correct moral wrongs. It is a lesson that starts before speech since that is when most parents start slapping children and it becomes a deeply engrained part of the person. So the policy implication is that we must find alternatives to physical punishment.

The fourth causal factor is the inevitability of conflict in the family. Family life, like any other intimate group, is just full of conflict. It is inevitable. We don't get anywhere by denying that. But violence as a means of resolving those conflicts is not inevitable. We need to help people deal with those conflicts, to learn modes of dealing with conflict between husband and wife, and brothers and sisters which do not ultimately fall back on the use of physical force. My written paper identifies three specific steps to do this.

The fifth causal factor is sexually stereotyped roles and sexism in the family society. This is an issue that was dealt with beautifully this morning. It is, I think, absolutely fundamental. A great deal of violence in the family, and particularly violence against women, comes about on the part of men who need to use the ultimate resource of physical force to defend their position as "heads of the family." We have to work towards a sexually equal society, starting with the elimination of the idea of the husband as head of the family as was mentioned this morning. Equally important is the pervasive system of sex-typed occupations, and the equally pervasive difference of pay which locks women into marriage. Then there are the whole series of sex-typed roles which put the burden of child care primarily on women. These and a great many other things make women economically and socially dependent on men. In effect, for millions of women, it gives them the alternative of staying and being beaten or leaving and living in poverty.

Finally, the sixth causal factor in any paper is the frustrations built into our economic system. I am referring particularly to unemployment and the undermining of satisfactory family life from unemployment. I think one of the most fundamental contributions we can make toward reduction in marital violence is full employment and guaranteed income for those unable to work.

Most of the things I have just discussed are not going to come overnight. But unless we pay attention to them, we are going to have to deal with the immediate problems forever. Fortunately, most of these changes, such as full employment, are things that are long-standing concerns of the Commission. They are changes that most Americans favor in any case, irrespective of their effect on marital violence. I wish I could say that about the sexual equality, but that is also coming bit by bit. So it is fortunate that many of the policy implications I identify in my paper are things which this Commission and the citizens that they represent, by and large, favor and are grappling with and seeking ways to bring them about. Hopefully the recommendation of the Commission will move that one step farther forward.

Chairman Flemming. Thank you very much. After we have had the opportunity of listening to those who are going to react to your paper, we will give you another opportunity to react. You may want to amplify a number of your points at that time. May I make a request, namely that those who are going to serve on the Federal agency panel, if they are here, check in with the staff in the office, which is to my right, in back of the platform. Dr. Hilberman, we would be very happy to have your reaction to this presentation.

Response of Elaine Hilberman

Dr. Hilberman. Thank you. Let me clarify that both of us will be responding to the entire written paper.

Chairman Flemming. We understand that. In all instances, you have had the opportunity of reading the whole document, whereas the audience has just been able to listen to the summary.

Dr. Hilberman. The task of summarizing the state of the art in the areas of causes and treatment of spouse abuse is awesome. Dr. Straus has made an invaluable contribution to our knowledge by focusing on societal determinants and attitudes which legitimize the use of savage aggression by men against women with whom they are intimate. Violent coercion has become a norm by which men can control whoever or whatever is perceived as a threat to them. As a psychiatrist and clinician, I deal with individuals who are either perpetrators of violence (rapes, incest, wife beating) or victims of these violent acts. I can only evaluate the data of social scientists in the context of clinical work with individuals to assess whether the theoretical constructs fit with what I know about anguished individuals. Much of Dr. Straus' material fits, some of it does not.

Clinical experience of psychiatrists support the views of social scientists that men in extraordinary numbers abuse their wives. Clinical experiences do not, however, support the conclusion that women abuse their husbands almost as often as men abuse their wives. The same paralyzing fear and passivity that prevents women from leaving violent homes also prevents their striking out against their husbands. If the battered woman's response to violence is passivity and silence, if only 4 out of 60 women acknowledge the abuse over years of medical treatment, if women are likely to describe accurately their own loss of control while saying nothing about their spouses, and if the men we have evaluated lie about their own behavior, then it is difficult to imagine that Dr. Straus' survey is an accurate reflection of what really occurs behind closed doors. Statistics and numbers are not people, so let me tell you about people.

My colleague, Kit Munson and I evaluated and treated 60 battered women who were referred by the medical staff of a small rural health clinic. The history of marital violence was known to the referring clinicians in only 4 of the 60 cases, despite the fact that most of these women and their children had received ongoing medical care at the clinic. Battered women, like rape victims, are silent victims. The psychological consequences of the violent abuse were devastating to the victims. There was evidence of massive psychological dysfunction for more than half of the women, with depression, schizophrenia, personality disorders, and alcoholism all represented. Thirteen of the women had been hospitalized, some repeatedly, with violent or psychotic behavior often a precipitant for hospitalization. Almost the entire sample made frequent visits to emergency rooms and physicians with physical complaints, anxiety, insomnia, or suicidal behavior, usually by drug overdose. Most had been treated, usually inappropriately, with sedatives and hypnotics, tranquilizers, and antidepressants. Although there were multiple contacts with clinicians, neither the psychiatrists nor the nonpsychiatrist clinicians were told of the violence.

Despite the variety of presenting complaints and diagnoses, there was a uniform pschological response to the violence. The women were a study in paralyzing terror which is reminiscent of the rape trauma syndrome, except that the stress was unending and the threat of next assault was always present. Anxiety and agitation bordering on panic were almost always present: "I feel like a pressure cooker ready to explode"; "I feel like screaming, but I hold it in." They talked about going to pieces at any unexpected noise, voice, happening. Events even remotely connected with violence such as sirens, thunder, people arguing, doors slamming, elicited intense fear. There was chronic apprehension of imminent doom, of something terrible always about to happen. Any symbolic or actual sign of potential danger resulted in increased activity, agitation, screaming, or crying. They remained unable to relax or to sleep. Sleep, when it came, brought no relief. Nightmares were universal, with undisguised themes of violence and danger. In contrast to dreams, in which they attempted to protect themselves or to fight back or to escape, their waking lives which were characterized by overwhelming passivity and inability to act on their own behalf, often without energy to do minimal household chores or child care. There was a pervasive sense of helplessness and despair about themselves and their lives. They saw themselves as incompetent and unworthy and were ridden with guilt and shame. They felt that they had gotten what they deserved, had no vision that there was another way to live, and were powerless to make changes.

Like rape victims, battered woman rarely experience their anger directly, although their stories elicited despair and outrage in the listeners. Aggression was most consistently directed against themselves with suicidal behavior, grotesque self-images, alcoholism in a few, and selfmutilation in one woman with self-induced scars and scratches. Passivity and denial of anger do not imply that the battered woman is adjusted to or likes the situation. It is the last defense against homicidal rage.

The women control their aggression and deny their rage by means of a complex mythology about wife beating.

First, the violence is perceived as a norm. This is most likely if the victim comes from a violent family of origin. Second, the violence is rationalized. He is not responsible; he is sick, mentally ill, alcoholic, unemployed, under stress. Third, the violence is justified. She deserves it because she is bad, provocative, and challenging. Fourth, the violence is controllable. If only she is good, quiet, and compliant, he will not abuse her. They continue to believe this even after they are beaten in their sleep. The victim utilizes this group of beliefs to explain the brutality. This reinforces her tenuous denial and protects her husband and her marriage at the expense of her self-esteem and, possibly, her life. It allows her to remain totally enslaved while believing that she is in control.

These same women who were beaten, raped, and terrorized by their husbands grew up in homes where they were physically and sexually abused by their parents and raped by their brothers. Women who have spent their lives as victims of brutality suffer profound psychological consequences in terms of passivity, low self-esteem, emotional isolation, and mistrust.

CHAIRMAN FLEMMING. Dr. Hilberman, your 10 minutes will be up in 2 minutes.

DR. HILBERMAN. Okay. I strongly support the need for shelters in which women can live in a safe and caring environment without fear. But love is not enough. Although most mental health professionals have not been advocates for women, there are growing numbers of competent, responsible, and feminist professionals whose services are urgently needed to help reverse the dire affects of victimization. Violence occurring in the privacy of one's home has not been considered a public issue. One victim commented; "My husband would do anything to get me down to where I will not go out in the world." Surely, this must be one of the most profound abridgements of one's civil rights.

COMMISSIONER RUIZ. Dr. Walker, we would be delighted to have your reaction to Dr. Straus' paper.

Response of Leonore Walker

DR. WALKER. I am delighted to be here today and extremely pleased that I have been given the opportunity to study and evaluate his research methodology, in addition to listening to today's presentation. Despite my great admiration for the trail-blazing work that Murray Straus and his colleagues have done "to understand the sociological dynamics" of violence in the family setting, the time has come to be critical.

As a feminist psychologist and researcher involved in the psychology of battered women, I can find a number of areas in which to respond.

Since my time today is limited, I have chosen just a few of these areas to single out and discuss. The first is Dr. Straus' definition of the problem to be studied. The second is the concept of sexism and Straus' toying with the feminist ideals through irresponsible twisting of some of the data. And the third is in the area of treatment alternatives.

Firstly, I disagree with Straus' definition of wife abuse. He limits battering behavior to discrete units of physical abuse which is nice and neat for data collection as if is relatively easy to count broken ribs and black eyes. But it is too narrow to permit real understanding of the problem. Including pschological abuse in the definition is, indeed messy. But, in my research with battered women, they insist it is as powerful as physical force in perpetuating the rein of terror under which they live. My new NIMMH-funded research project, which is to begin in July, will, among other things, attempt to define psychological wife beating from the battered women themselves. We look upon both psychological and physical abuse on a continuum with normal sexism on one end, psychological abuse somewhere in between, and psychological and physical abuse at the other end. We have been unable to find examples of physical abuse that do not include reports of psychological harm too. We do not yet know where the line will be drawn on what is normal and what is psychological battering. But we will be constantly evaluating it as we collect our data.

The definitions of what to study make a difference in the outcome of research, particularly in areas of social policy. Close scrutiny of how the raw data from which the percentages of spouse abuse are derived lead me to suspect that Straus and his colleagues are comparing apples and oranges when they try to compare wife and husband beating. The violent couples I have worked with do not fall into his categories on the wife beating index at all.

Now to my second point of criticism. Dr. Straus' embracement of the feminist cause which may make good policies these days for some sympathetic men, to align themselves with the grassroot women's movement. Straus has adopted a benign, benevolent, paternalistic image of doing good for women, leading to the suspicion that deep down somewhere there is the belief that women just cannot stop being victims of violence by themselves. Well, I say that is not true. For example, Straus gives a feminist analysis, "Rampant sexism is one of the causes of wife abuse." Then he states that even if equality between sexes were achieved, the level and frequency of wife abuse would not be drastically altered. If a major cause of a problem is eliminated then logic would demand that cause and effect relationships change altogether.

My research into learned helplessness and battered women suggests that sex roles stereotyping and socialization in childhood is a major factor in determining the power relationships between men and women which allow battering behavior to take place. Although I fully agree that when you discipline your children by hitting them, you also teach them that the person who loves you also has the right to hurt you in order to teach you a lesson. I also believe that the lessons little girls learn, to be nurturing, complaisant, and a good little passive wife; and the lessons that the little boys learn, to be strong, aggressive, and the husband in charge, equally set the stage upon which later violence gets played out. Feminist analysis agrees with Straus that battering women is only one manifestation of violence committed against women. However, we focus upon the conceptual similarities of all violence committed against women as the broader category. Women are the victims of all forms of sexual, physical, and psychological harassment committed by men against them. This includes marital, nonstranger and stranger rape, assault, sexual harassment on the job and in the professional office. Couldn't it be that a sexist society breeds violence and the very reduction of sexism will reduce violence too. Another example of less than total commitment to a more equitable way of looking at women and men is seen when shades of the old masochistic women theme begin to rise again. It is inconsistent to have it both ways. Either the psychoanalytic view of personality development is accepted with its limited notion of incomplete personality development of women and its presence of innate, destructive, aggressive tendencies or another psychological theory is substituted, giving alternative developmental explanation.

To me, social learning theory of personality development makes much more sense. These inconsistencies in Straus' use of psychological theory distract from the excellence of the rest of the work presented, which brings me to my third area for discussion, treatment alternatives. Actually, I could spend another hour on discussing my ideas on treatment alternatives. In fact, I am going to have my chance in a few weeks when I testify before a congressional subcommittee, which I hope the testimony will be made available to you.

Today, I just really want to focus on a few comments about it. Prevention of wife abuse and limiting its severity are the most important aspect of treatment that is often overlooked. I am delighted that Dr. Straus outlined some excellent strategies for tactics of prevention. It helps to conceptualize treatment of a epidemiological social problem, from a public health model with primary prevention, secondary and tertiary intervention as three levels of a systematic approach to development of new services and to strengthen existing ones for battered women. In addition to reeducating individuals in society as a whole, consultation and education to already existing agency institutions and support groups needs to be encouraged. Community mental health centers across the country should be doing this as part of their legislative mandate. This includes providing decent services to the established women's groups and shelters across the country. Secondary intervention treatment procedure call for early intervention and includes home visits, telephone hotlines, outpatient clinic visits, crisis intervention counseling, legal advice, financial advice and distribution of appropriate information. The goal is to help the battered women leave the situation with the least amount of interferences from others.

Helpers must take the cue from the woman as to what support she needs in order to make her own decision and take her own action. In the third level of tertiary intervention, the battered woman needs a totally supportive environment temporarily before she can make decisions and act decisively on her own. Safe houses, shelters, immediate hospitalization, and long term therapy can provide this environment for battered women. Most often safety needs must come first. Once that is achieved, battered women can gather their resources, plan the rest of their lives. While Straus' presentation does an excellent job with primary prevention, he was weaker in addressing some of the other alternatives. There is not enough time here to discuss all the treatment implications. I would like to suggest that mental health workers need to learn how to advocate for their client.

Prior to my attending this conference, I spent several days as a member of a special task force within the American Psychological Association trying to design minimal competency standards that are necessary to provide good psychotherapy and counseling for women. Not everyone is trained or suited to be a psychotherapist to the men, women, and children of violence. Selection of the best therapy, when therapy is indicated, is still an imperfect process. Family therapists interested in saving relationships are not recommended. I agree with Straus, that the treatment of choice for violent couples is to leave the relationship. To do this it is first necessary to break the psychological, symbiotic dependency bonds between couples by strengthening their individual identity and self-esteem. I agree that teaching these couples fair fighting techniques is absurd. They know how to fight well enough. They need to learn to control their anger and their behavior. I applaud the need for assertiveness training for both.

My husband and I have been experimenting with a new type of couples therapy that has had some success. Other therapeutic techniques such as hypnosis, bio-feedback, relaxation training, modeling, role playing, behavior rehearsal, and the use of videotape equipment can also be useful. Consultation by trained therapist support groups is important. Battered women and their men report that group and individual psychotherapy is most helpful when they want therapy.

Although the therapeutic techniques are still experimental, psychotherapist report some exciting results. One significant change is that batterers who attend group therapy sessions are less likely to become depressed, suicidal, homicidal, or psychotic during treatment, even though their women may leave them. The goal of therapy for battered women and their family is to promote interdependence so that each can begin a new or different relationship free of the violence we have talked about at this consultation. The toll such violence takes on human life in this generation and I fear in the next generation is inexcusable. Together we must find ways to end it now. Thank you.

Discussion

CHAIRMAN FLEMMING. Dr. Straus, I recognize that you may want to comment on some of the comments that have been made.

DR. STRAUS. Thank you. Well, there are some obvious differences in data and points of views between myself and Doctors Hilberman and Walker. However, I don't regard them as the primary thing. I regard the primary thing as what we have in common. We have in common that both their research and my research and a number of others' studies, show that wife beating is a fantastic problem in this society. We can work on doing something about that, while simultaneously work on some of the other related and important issuess that each of us thinks are also important. As for the question of the difference between their results and mine in respect to the number of wives who physically assault their husbands obviously, there is a large difference. But that is not at all unusual between clinical populations and cross sections of populations. Many studies have shown that people who are in a clinical population are almost invariably not representative of the rest of the population. The differences do not indicate that one study is wrong and the other is correct, only that we are studying different groups. Still, there is a big enough difference that I think it needs further investigation.

Even more important is the need brought out by Drs. Hilberman and Walker for research which gets at the processes within marriage which produce violence. The clinical methods which they employ are particularly well suited to this. So there is a need to go beyond the cross sectional survey approach represented by the study I described to you. We are also doing that in the family violence research program at the University of New Hampshire, and fortunately other people are also. So we may see a resolution of this.

As far as the restricting the definition to wife abuse to physical violence, I have always done that with some misgivings. Frequently, in fact, practically every printed paper, I state that one can be incredibly cruel and hurt without lifting a finger. It is just that one investigator or one team of investigators can only do so much. I think it is particularly valuable to have Dr. Walker working on this as a whole continuum which is what it really is.

Finally, on the issue of sexism and violence, I guess I should state the thing more carefully. I share with her the belief that a reduction in sexism will reduce violence, but will not eliminate it. Violence is so built into the pattern of our society that it is one part of a closely woven fabric. That pattern, unfortunately, is going to survive, even without sexism. Anyone who has ever spent time in a boys school will know just how violent it can be. And sexism is only part of the issue here. The fundamental issue is power. And issues of power are present in same sex groups and in marriages that are equal in sex. There will always be conflict, people contending to further their own interests. So I think that in addition to eliminating sexism as a built-in source of conflict, we also have to help couples learn nonviolent modes of dealing with the inevitable conflicts of marriage. These conflicts are going to be there even when we reach the day of truly equalitarian marriage.

CHAIRMAN FLEMMING. Do either one of you want to make any further comment, Dr. Hilberman or Dr. Walker?

DR. WALKER. No.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. This morning Ms. Shelly Fernandez, Matilda Bear, and Professor Kim all discussed the impact or implications of racism, the compounded effect of this problem. I have noted that the paper, it does not appear that any of you researched this in your papers. Dr. Straus or either of the panelists, have you given any consideration to this as a factor. I would like to know if you have any comments about it at this time.

Dr. Straus. It is true that my paper does not deal with the issue of racism, that partly reflects the fact that I have not done any research on this myself. But still, there is a vast body of research and knowledge which has been ignored. I agree with the speaker this morning that the pattern of racism, like the pattern of sexism, is a potent source of violence. Any situation which structures inequality is bound to structure attempts of people to achieve equal justice and equal rights and corresponding attempts on the part of those in the top position to keep them down by physical violence if necessary. And then there was an indirect effect mentioned this morning of the tension and frustration in life. I regard it as an unfortunate oversight that I did not address racism in my paper and list along with the frustration and problems built into the economic system, and the frustrations and problems built into the sexist nature of society, the parallel things which are built into the racist aspects of our society. So, thank you for bringing that point up.

Commissioner Freeman. Dr. Hilberman?

Dr. Hilberman. The women that I have seen have roughly the same racial composition by percentage as does the clinic population at large. So I haven't really seen any big difference for white and black women.

Dr. Walker. I'd like to just add to that, that I do think there is an enormous difference in what I'd like to call the double whammy, both being a woman and a minority woman. I think that is reflected not in the incidents of violence—because my samples have shown the incidents of violence occurred across occupational status, educational status, race, across ethnic groups— but what you do with it, how badly women are victimized, and how they get out of it. I think the racial factor really becomes compounded when women who are both of a racial minority, who have violence committed against them have more difficulty in escaping it. We also know more about it, because they are often economically disadvantaged and they are the people who need to seek society's institutions more frequently than do the middle class and upper class woman who have other resources.

Commissioner Freeman. Did your research—was it limited to the middle class women?

Dr. Walker. No, my research is basically a pilot study. My samples were all self-selected volunteers. I have absolutely no way of knowing at the moment how representative my sample is of the population. I have exact opposite methodological problems that Dr. Straus does. But the new study that we are starting in June will take 400 women and will attempt to stratify across population to see if there are significant differences. So at the moment, I really could not say.

Commissioner Freeman. There is one other question. Did you have –

Dr. Straus. Yes, we do have some data on this issue which bears indirectly on the issue of racism. That is data on unemployment, marital violence, and wife beating particularly. Among the unemployed men in our sample, the rate of wife beating is much higher. I do not have those figures with me, but it is much higher. Now the figures on unemployment among members of our society are one of the shames of contemporary America known to all of us. So you have that indirect, but I believe powerful link between a system that denies to people of certain minority groups equal participation in the economy and the level of violence in their families.

Dr. Walker. I'd like to counter that in saying that 60 percent of the women in my sample, which included many more, upper and middle class women who have never reported this to anyone else before. This was the first time they had ever spoken about it. So I don't think we can really say that our statistics are valid because we don't know that it is not happening, or we are not being told about it.

Commissioner Freeman. The other question that I had is with respect to any proposals or recommendations to change the situation. What I asked this morning was, while it is very important for shelter, there is the need to change the behavior of the man. What efforts have been done with respect to changing the behavior, or what research has gone on, or whether if either of you could speak to that, you have had any experiences.

Dr. Straus. Well, there is some research which bears on this. Some policy implications that I spelled out in my paper bears on it. I think that an important element is the definition of masculinity. As long as we have a society that continues to bring up generations of men for whom physical power and being able to physically dominate others is an important part of the definition of masculinity, we are going to have this phenomenon occur. So high on my agenda is the elimination of sexually stereotyped patterns. We have to bring up men to be more like women, as well as women to be more like men in respect to those parts of the male way which are desirable. For example, to avoid the pattern of learned helplessness that I know is of interest to Dr. Walker. So why don't I turn it over to her to speak about that.

Dr. Walker. Well, I think that there are really two issues, one is a long term preventive approach, and one is an immediate treatment approach. I think that is what the discussion all morning has been going back and forth with. I could not agree more on a long term preventive approach. Changing sex roles, stereotyping, and the way we raise our children is absolutely number one on the list. I think that follows, we can design a whole number of ways of doing that in society. In a shorter term treatment approach, we have been totally unsuccessful in doing work with the rapist, which was pointed out this morning. Members of my profession are equally unable to do anything, clinically, with batterers as of yet. My fear is that we spend too much time and too much money right now in trying to design treatment facilities for the batterers, when what we really need to do is concentrate on the women victims first, and making sure that they are strengthened and are no longer victimized. Once we do that, then we can really look at some of the other kinds of things.

Because obviously it is not a simple problem that can be corrected easily. We have poured I don't know how many dollars into trying to do it and we have not been able to.

DR. HILBERMAN. I agree with that. I want to add that when we talk about treatment for the batterer, treatment implies that there is sickness, that somebody wants to change that behavior, or that that person is uncomfortable because of his behavior. I don't think we have any evidence that half of the population is sick or mentally ill or that men want to change their violent behavior. So at this point we have very little or offer them. My focus in working with battered women is to help them get themselves together so that they can get out of the violent relationship and stay out.

COMMISSIONER SALTZMAN. Dr. Straus, I'd like to corroborate a point that I believe I read in your paper. And that was the regularity of sexual intercourse influences the rate of violence. With the increase of sexual intercourse, the rate of violence increases. Is that –

DR. STRAUS. I recollect that sentence, and it can be read that way. However, that is not my intent. I will polish that sentence.

My intent was to point up the unwritten clause in a marriage license which also makes it a hitting license. The interesting thing is that this clause often starts to come into effect even before marriage. Other people, including the police, become more tolerant of violence, regarding it as "lovers quarrels." So as you move from someone you have just met, where violence is taboo, to going out with that person, to having a regular sexual relationship or to be engaged, and finally to being married, the rates of violence move up from the sum many per hundred thousand—which is the way assaults are recorded in the Uniform Crime Report—to so many per hundred rather than per hundred thousand.

COMMISSIONER SALTZMAN. I see what you mean now. But to pursue the point that came to my mind from that initial statement, which was not totally understood by me, it would seem to me that the sex act is sometimes an expression of power between two persons and one of the societal attitudes and determinants along with the sexist attitude is the understanding and the appreciation of the sexual act itself, not as an expression of power where one person then becomes subjugated and the other person then becomes dominant, rather than the sex act becoming an act of tenderness, sharing, patience, affection, and responsibility for mutual satisfaction of needs. Now, what can lead a society to foster a change in the attitude toward sex away from an expression of power toward that dimension of moral and spiritual understanding of this relationship between a man and a woman.

Dr. Straus. Well, it turns out that Dr. Roger Libby and I are doing research on something that is very closely related to that. Unfortunately, not how to change it, but information which might lead up to that. In the research on the relation of sex and violence, there are really two points of view. One is that sex and violence are biologically and inherently linked. Getting excited sexually makes you more violent and vice versa. The more sex, the more violence. That is one point of view.

Then there is an exact opposite point of view, which regards sex as an act of human bonding and warmth in interpersonal relations. That point of view argues that the more sex, the less violence.

The research that we are doing now tries to get around the seeming contradiction by saying that it depends, as Commissioner Saltzman said, on the subjective meaning or definition of sex. For most men, I am afraid, sex is a "scoring" operation. It is a power play. It invokes all of these kinds of things. There is also a substantial minority, at least in our study, who do not have that view of sex as a competitive sport. This group sees sex as an act of human love and warmth.

Well, our results are very clear on the consequences of this. The men who take a more competitive view of sex, for that group, the more sex, the more violent acts they report having been engaged in outside of marriage. For the other group, it is exactly the opposite. Well, this boils down to precisely the point which you made. That somehow we need to deal with the issues of human sexuality in our society, so as to make more widespread the view and experience of sex as an act of human love rather than as a power act.

Again, there are movements in that direction. Sex education used to be and to a considerable extent, I think still is, designed as a prophylactic. The idea is that if you teach them about it, they won't do it. But modern sex education is concerned with interpersonal relationships in sex and precisely the kinds of things which you have mentioned.

Dr. Hilberman. I'd like to comment on that. I am really uncomfortable about singling out sex as an issue separate from what we have been talking about. In a sexist society, sex is a form of

178

violence. In order to address issues of sexuality, we first have to deal with sexism.

DR. WALKER. I'd like to just add, getting away a bit. For women who have been battered, I think it is very important to note that sex and violence are not always consistent. In fact, there are really cycles in a battering relationships where there are periods of extraordinary high violence and tension building. There are explosive periods and there are also periods of extraordinary kindness, loving behavior, and warmth, where there is a tenderness and caring. I really would subscribe to the bonding viewpoint. It is wrong for us to consider that violent relationships are always characterized by violence. That is not true. There are indeed periods in every violent relationship that I have studied where there are periods of love and tenderness and caring for one another.

In fact, that is the insidious victimization part. That is the part that makes it impossible for that woman to give up that relationship. Because she keeps hoping that somehow she'll do something better to make those periods of love be longer and longer and longer, and the period of violence shorter.

Unfortunately, the data shows that it is the exact reverse. That the periods of violence become longer and longer, and the loving part becomes shorter and shorter.

CHAIRMAN FLEMMING. Ms. Bonosaro?

MS. BONOSARO. I'd like to clarify the data in your paper with regard to husband beating, especially given the tremendous media interest in that topic, Dr. Straus. You have provided in your written paper a number of points which you think mitigate against taking seriously data on husband beating versus data on wife beating. What is not clear to me is in the data reported the responses you gathered were either from the husband or from the wife in the household. Was the wife reporting on the husband's violence to her, as well as her response to him, and vice versa in the case of the husband? Were they reporting only on their own behavior or on the other person's as well? It is not at all clear to me what was collected.

DR. STRAUS. That is not mentioned in the paper, and will be added. What we did was this: In a random half of the couples we interviewed, the men, and in the other half were women. In both cases we got from the respondants, information about their own acts of violence (as well as nonviolent modes of dealing with conflict), and also the behavior of their partner. So it is possible to compare the rates of violence for women as reported by women themselves and as reported by the men they are living with. We have done that. The rates of violence for women, when reported by women themselves, are slightly higher than reported by the men they are living with.

Ms. Bonosaro. You do make a distinction among the levels or type of violence. But you were unable to compare and you do not, I gather, address a specific question that would get at whether or not that violence was used as a self-defense response, or did you?

Dr. Straus. Not in the main sample. We have a subsample where there is some data about what happened first, what happened next. In that subsample, which restricted to just those couples there was violence, in roughly half of the cases there was violence on the part of both the man and the woman. In another quarter, the man was the only violent person, the women never hit back. In another quarter, the woman was the only violent person. Now that is not an answer directly to your question about the sequence of events and that is because I can't remember just what that was. We do have an analysis of that. I will supply that to you in a later memo.

Ms. Bonosaro. Thank you.

Federal Agency Panel

Chairman Flemming. May I express appreciation for the contributions that were made this afternoon. I am very encouraged in terms of what research is going to yield in this area. Not only what has been done, but the way in which experiences will be exchanged, and also because of the openness that has been demonstrated here in terms of considering suggestions as to how research can be improved. It has been, from my point of view, a very encouraging experience. I think that those of us who are concerned about this area can look forward to some significant contributions coming from those of you who have made a commitment to research in this area. We appreciate your being here, sharing with us your experiences today. It was very helpful. Thank you very, very much.

Just before I announce the members of the next panel, so that no one is going to say that they had their expectations raised and then it really didn't work out, I want to call attention to the fact that there is a major piece of legislation on the floor of the House of Representatives, which means that in all probability the three members of the House who planned to be with us participating on the panel will not be here. However, a representative of each member of the House who planned to participate in the panel discussion will be here. It may be that they'll get a break and one or more of the members of the House will be here. But right now our latest word is that a major piece of legislation is about to come to a vote. This is the risk that one takes in this town when you invite members of the House or the Senate to participate in a program of this kind.

At this time, I would like to call to the platform, first of all, Connie Downey, the Director of the Woman's Action Program for the Department of Health, Education, and Welfare; Betty Kaufman, attorney for the Office of General Counsel, Department of Housing and Urban Development; Jeannie Niedermeyer, Program Manager for the Law Enforcement Assistance Administration; Ms. Mary Hilton, Deputy Director of the Women's Bureau, Department of Labor; and Leah Wortham, Special Assistant to the President of the Legal Services Corporation.

My understanding is you have been allotted not more than 10 minutes. Obviously if you can tell the story a little more briefly, that would help. But I will ask that no one goes over the 10 minutes. Undoubtedly, what you won't be able to say, because of the time limitation you will have an opportunity to say in response to questions. I first recognize Connie Downey, Director of Women's Action Program, the Department of Health, Education, and Welfare.

Presentation of Connie Downey, Department of Health, Education, and Welfare

Ms. DOWNEY. Thank you very much. There is a small possibility of my adding anything of substantive to what people have already heard. I think probably the most sufficient use of the 10 minute time is to simply do a rundown on what is currently available through the Department of HEW to help deal with the problems, both of causes and effect, related to wife abuse. I also would like to indicate at the outset –

CHAIRMAN FLEMMING. Would you hold the mike a just little closer.

Ms. DOWNEY. I would like to indicate, right at the outset, that recently Secretary Califano has asked one of his special assistants, Ms. Laura Miller, to help coordinate, a lot of which up to now has been discipline initiatives, that has been rising around the Department, on the part of the individuals and programs who have sought to take some initiative and bring some program resources to bear on this problem. We recognize it as a problem and its potential, even though at the moment there is no mandate particularly or specifically addressing it as a problem. Most readily available to any woman with dependent children is the assistance under the Section 406 of the Social Security Act, more commonly known all around the country as AFDC. It is true that all 50 States set their own eligibility criteria. But basically, what I am going to report here today is true in all of the States. Because AFDC is a Federal-State matching funds program, the States determine what the eligibility criteria will be for that individual State.

But there are certain constraints that come from the Federal regulations. That is, that the home is defined as where that caretaker parent is with the child. And consequently, whatever her income status or whatever the family credit line may be, a mother with a child, once she leaves the home address, wherever she and her children are, is the home.

The only test that can be imposed is the degree which they have actual use of family resources at the moment. Only such net income, as is actually available to that caretaker mother on a regular basis, will be considered in determining her eligibility. Therefore, if a women leaves a violent home, no matter what the financial situation or the credit situation was, if she and her child or children are without access to family resources and fall into that category of needing what I just described, it is assumed that she would be eligible for AFDC.

Now don't delude yourselves into thinking that this is clearly understood or clearly taken advantage of by a good many victims who would in fact be eligible. Obviously, the public assistance programs are not going to be the total solution or even for many women a very desirable solution for a lot of reasons. In some cases, it simply doesn't occur to the otherwise middle- or upper-income wives that public assistance is even an option. But it is. In considering their current family resources and amount of assistance offered by the State, there may be a reluctance to reduce their's or their children's standard of living. Or women of any economic class may hold traditional concepts of a "welfare stigma" and be prevented by their own self images from considering AFDC payments as a potential solution. Additionally, we recognize that the bureaucratic process of lengthy forms and long lines, Federal requirements that all eligible recipients have certain obligations for cooperation with efforts to obtain child support and/or work, may discourage many potential applicants.

However, the AFDC program was designed as an assistance to children, for the welfare of children. Mother or wife is almost incidental in the way that this program was designed. Consequently, no demand for a wife's cooperation, no failure of her to comply with respect to cooperation can abridge that child's right to the receipt of the AFDC payment. Although the law is very clear about that and that everybody has the right to receive and fill out an application and receive a written decision on that application. Another potential deterrent, particularly for the middle- or upper-income woman, is that they just don't look "poor" like the other recipients do to the reception person who has been conditioned to screen out the people who are other than poor.

Although cash assistance depends on findings of economic needs under Title XX programs, some services are available to battered women irrespective of such determination. For example, even with women who remain in their homes, some of the counseling services available under Title XX Social Service Delivery Systems may be helpful. Title XX, which is Public Law Number 93-647, gives 50 States $2.5 billion to share among designated State agencies for the delivery of social services. The States and their residents are given the responsibility to determine the priority for those services. And consequently, it is one of those things where pressure for what would come out the end of the pipeline should be applied at the end of the pipeline. The philosophy behind the end of the pipeline nearest to the intended recipient is because the $2.5 billion doesn't really cover all the things that we would like to see it cover. It leaves us sometimes with the feeling as though the buck is being passed out to the State and local community. But on the basis of a lot of things, philosophic and practical, and some of the things that we have heard in this consultation, clearly until there is awareness in the community to the extent of which this problem needs to be solved, not just in terms of immediate shelter of the victim, but solutions which change the behavior of the batterers. Until that kind of awareness happens in the community, real changes in the problem, and real solutions to the problem are not very likely.

Protective services directed toward preventing neglect or abuse of adults or children can be funded under Title XX. Protective services are available without regard to the income of the person who requires them. They are means tested. States may provide any discrete service or a cluster of services in their service plans to remedy abuse or neglect. Those services might include counseling referral on other resources and emergency shelter care for children. The States may impose means tests, which mean income eligibility to limit eligibility for these services. The one service that cannot be provided as a protective service for adults, however, is emergency shelter.

When the Federal regulations were reviewed on that one specific point, and as the final regulations were published, they acknowledged that comments had been received on that point. Currently, shelters can be provided to adults only when it is a part of an integral or subordinate part to other social services.

You have heard about some of the demonstration programs. You have Del Martin's overview. There are a number of specific things that I would like to tell you about. Region X, for example, used some of their discretionary funds for seed money for shelters which was salutary and began some things which were able to continue. Although the Department does not currently have specific programs to assist battered wives, large numbers of research and demonstration projects have been funded under several different authorities, and they do provide some assistance. I think probably the rest of this should be addressed in answer to questions. And I echo something that was said earlier in your consultation, that the NIMH Center has an annual budget of approximately $4 million for research grant funds and $1 million in training grant funds. Don't let anyone tell you that the situation is hopeless, although it may seem that way, please apply.

CHAIRMAN FLEMMING. That is good advice. We will be back with questions. We now turn to the Department of Housing and Urban Development and Betty Kaufman, the attorney in the Office of General Counsel, is representing that Department.

Presentation of Betty Kaufman, Department of Housing and Urban Development

MS. KAUFMAN. There is one consensus of opinion in this room today. It is that the need for shelters are critical. I am genuinely glad to be able to report on some very recent developments at HUD concerning assisting shelters for battered women with financial support. The Department of Housing and Urban Development implement the Housing and Community Development Act, which has been amended this past fall. The act authorizes HUD to make funds available to cities, counties, and other local governments for a variety of community and development activities. Although the cities and other localities decide, based upon their own needs and priorities, how to spend the community development money, HUD by regulation, sets forth the types of activities which are eligible for community development funds and those which are not eligible.

In the past, women's organizations have attempted to get localities to devote C.D. monies for shelters for battered women. However, among the many obstacles encountered, political and otherwise, localities were unsure as to whether HUD considered such shelters eligible for funding. Thus, seriously complicating what has already been a very complex process. Today, in fact, we are only aware of one organization in Minnesota that has received community development funds for use for shelters for battered women.

As a result of the 1977 act, the Department is in the process of promulgating new regulations which will revise the list of eligible activities. The regulations, as presently drafted, and I want to stress as they are in draft form, specifically provide that C.D. funds may be used by cities to acquire, and if necessary, rehabilitate property to be used as temporary residential shelters for battered women. Several of the panelist have stated that they would prefer to have local and private organizations run and operate shelters for battered women.

On this note, regulations as presently drafted, provide that a private organization will also be eligible to receive community development funds from the city to acquire and, if necessary, rehabilitate property to provide residential facilities on a temporary basis, such as shelters for battered women. While the regulations do provide some other methods whereby residential facilities might receive C.D. funding for acquisition, rehabilitation, and in some very limited instances, new construction, these provisions are much more restrictive and set up various types of limitations. For example, the proposed structure of the eligible organization must be within an area of concentrated physical activity, funded by C.D. funds, in addition to other requirements. Therefore public or private acquisition and rehabilitation will be, at least in my opinion, the least complex method for successfully employing C.D. funding for temporary residential facilities.

Assuming that these regulations are promulgated in their present form, and I have asked several people who have assured me optimistically that the regulation should come out as they are presently drafted. The first step in the process requires that women's groups become intimately familiar with the community development process. They must work toward educating and lobbying the local government so that C.D. funds will be earmarked for acquisition and rehabilitation of the structures that would be used. In sum, this changes one regulation which is a significant key to addressing the pressing problem, but only local organized efforts can actually open the door to shelters.

This change opens options that were not available before. Again, I stress that it is really up to the individual local groups and their community to be able to get these funds earmarked for the shelters. If women are interested in discussing the regulation as they are presently drafted, please feel free to contact me at my office at any time. Another resource is the Women's Policy and Program Division at HUD. And finally, there are area officers across the country who should be able to assist women in understanding the community development process generally.

Finally, I'd like to inject a personal note. The regulations which I have referred to today were very, very similar to those recommended to HUD by the Minnesota Women's Advocate Group. Quite frankly, I don't know if the regulations I have discussed would have come about at all without the participation of these women from Minnesota.

CHAIRMAN FLEMMING. Thank you very much. May I ask you one question at this time. Are those to be promulgated as proposed regulations?

Ms. **Kaufman**. They were promulgated as proposed on October 25, 1977. They hope that the regulations will be promulgated within the month.

Chairman Flemming. Thank you very much.

Commissioner Freeman. May I just pursue that. After the regulations are promulgated, is that the time that they will be published for further requests for comments?

Ms. **Kaufman**. No, that commenting process has already taken place.

Commissioner Freeman. At which point, is it now internal, as to whether -

Ms. **Kaufman**. Exactly. The draft that I am referring to is a draft of the proposed regulation as a result of the comments that the Department has received from the public and other agencies.

Commissioner Freeman. Is that draft available to the public now?

Ms. **Kaufman**. It is not. Not the draft which includes specifically that C.D. monies will be available for shelters.

Chairman Flemming. A draft was made available to the public. The public was given the opportunity to comment, the period for comment has expired. They are now in the process of putting them into final form.

Commissioner Freeman. I just wanted to find out the status of it at this point.

Ms. **Kaufman**. The status is that it has to go through the final procedure; once it is typed up with all the inclusions, provisions to the proposed regulations, it has to go through the Assistant Secretary, and ultimately the Assistant Secretary for Community Planning and Development for signature. It then becomes published in the *Federal Register.* That is the stage we are at. The draft that I am referring to is very literally the proposed draft with someone's typing incorporated into it.

Chairman Flemming. Thank you very much. I am now happy to recognize Jeannie Niedermeyer, Program Manager of the Law Enforcement Assistance Administration, Department of Justice.

Presentation of Jeannie Niedermeyer, Department of Justice

Ms. **Niedermeyer**. Thank you members of the Commission, panelists, and guests.

The fact that we are here today addressing the subject of battered women in this forum is clear evidence of the growing awareness that battered women form a class of citizens against whom our public agencies have discriminated, not only by a failure to protect this group from further victimization, but by a general lack of responsiveness to the overall problem.

I am very pleased to be here today and have the opportunity to report to you on LEAA's past and current efforts related to battered women. Although LEAA programs in this area have become much more focused in the past 2 years, the agency's interest in family disturbances dates back to 1969 when a major effort was made to improve police crisis intervention.

Since that time, the agency has spent over $15 million on programs related to battered women and other forms of family violence, approximately $4 million of which has been spent on improving police crisis intervention. The remaining funds have supported various local family crisis programs, child abuse training efforts, runaway houses, alcohol treatment programs, arbitration and mediation projects and victim/witness programs specifically designed to assist victims of domestic violence and sexually abused children.

The agency has been providing technical assistance in this area through a grant to the Center for Women Policy Studies, to establish a bimonthly newsletter and information clearinghouse to serve as mechanisms for information sharing among interested public and private agencies and community groups to improve their response to victims of rape and domestic violence.

Recently, the Law Enforcement Assistance Administration—LEAA —issued guidelines for a new program to address the problem of physical violence and sexual abuse in the home.

The $1 million allocated for this program will support three or four local demonstration projects. Although other Federal agencies are presently contemplating programs in this area, LEAA is the first Federal agency to establish a program specifically designed to assist battered women and other victims of family violence.

This new agency initiative is an outgrowth of several grants made during fiscal year 1977 under the victim/witness assistance program. Under that program LEAA has sought to encourage local government to improve their response to crime victims and witnesses. Special attention was given to victims of rape, sexual abuse of children (including incest), and spousal assault because these are believed to be "sensitive crimes"—meaning that they are seldom reported and difficult to prosecute because of feelings which they provoke in their victims.

By 1977 it was clear that new approaches to the problem of women and children being injured and sexually exploited by family members was required. Grants were made to two hospitals carrying on programs for sexually abused children and four organizations providing shelter or other services for battered women. The experiences of these projects and others like them have been that the people who come to them for assistance are often from families where more than one member is being abused and needs help. For this reason, the family violence program will address a number of forms of victimization in the home including child/adolescent abuse, interspousal abuse, and abuse of the elderly.

Consistent with its congressional mandate, LEAA's new program is focused on the role of the criminal justice system in preventing and controlling violent and abusive behavior in the home. Nevertheless, the approach recommended is called "comprehensive" because it foresees the need for interaction with social service agencies and community-based groups. By concentrating its resources on the role of the justice system, LEAA does not imply that the part which criminal justice agencies play in the resolution of family violence should be enlarged. Instead, it seeks to define the relevant responsibilities of the justice system and to improve its response to crimes in the home.

The LEAA recognizes that the Department of Health, Education, and Welfare through its National Center for Child Abuse and Neglect (NCCAN), its National Center for the Prevention and Control of Rape (including incest), its runaway program and others is carrying out research and demonstration projects which impact various aspects of the intrafamily abuse problem. It is also aware that other Federal agencies such as the Department of Housing and Urban Dvelopment (HUD), Community Services Administration (CSA), and ACTION are considering ways in which they can contribute to the programming effort. The LEAA seeks to join forces with these agencies to help communities find an effective approach to the problem of family violence. Thank you.

CHAIRMAN FLEMMING. Thank you very much. Now I would like to recognize Ms. Mary Hilton, Deputy Director of the Women's Bureau, Department of Labor.

Presentation of Mary Hilton, Department of Labor

MS. HILTON. The Department of Labor and the Women's Bureau share the deep concern with the subject of battered women, although we do not have special programs in operation. The Women's Bureau, which I represent, is primarily concerned with improving employment conditions and opportunities for women who want to work. Since many battered women must become self-supporting, in order to extricate themselves from situations of domestic violence, the Bureau regularly responds to their request for information about careers, employment and training opportunities, legal rights, and child care.

In addition, because of the concern, our deep concern about the plight of women caught in situations of domestic violence, we assist groups seeking information about issues related to battered women and about solutions being tried by other communities. As part of this clearinghouse function, and in response to the many requests we have received for information and referral on this subject, the Women's Bureau has prepared a very simple resource kit on battered women. This little kit is on display, I think, in the foyer, and we are very happy to provide copies of it upon request. In putting this kit together, our purpose was to provide general background material about issues, programs and sources of funding. General information material in the resource kit includes a brief description of current programs for battered women, and a review of pending Federal regulations, as well as legislation under consideration at the State and local levels.

The kit also includes a resource directory of organizations interested in battered women programs and printed materials, such as bibliographies and manual guides and handbooks for battered women themselves and for the program designers and operators. For a particular interested group investigating the possibilities of establishing battered women's shelters, there is a list of sources of possible Federal funding, a review of CETA funding possibilities for such programs, and a copy of a guide to seeking funds from CETA which explains who is qualified and allowed to apply for CETA funds. The CETA system is the Department of Labor's only avenue of direct assistance to battered women programs. As you know, the bulk of Federal employment and training money is distributed through State and local government units, called CETA prime sponsors. The Comprehensive Employment and Training Act is administered by the Employment Training Administration of the Department of Labor.

The Women's Bureau is located in the office of the Secretary of Labor, and we work closely with all agencies within the Department. In addition, the Bureau provides assistance to groups seeking information about CETA funding for women's programs through our Woman's Bureau regional administrators. The CETA legislation allows decisions about the kinds of employment and training program to be funded, the kinds of groups to be served and the types of delivery systems to be used, to be made at the local level. This means that community women and women's groups must familiarize themselves with CETA and learn to work closely with the prime sponsors in planning and operating programs for women.

There are two primary avenues for obtaining CETA funding for programs for battered women. One possibility is to obtain CETA Title XI funding of public service employment slots for staff positions. The other is to develop an employment component that could be funded under CETA Title I, which provides money for employment training programs for the unemployed. underemployed, or economically disadvantaged. Almost all money that has been granted by CETA prime sponsors for programs for battered women has been granted under Title XI, which provides for public services employment projects to increase the number of jobs available during periods of high unemployment. Most of these public service jobs have been funded for employees to work in comprehensive programs for victims of assault or domestic violence. Public service employees work in jobs such as intake counselors, intake workers, volunteer coordinators, secretaries, social workers, and support service counseling aids.

For example, a family law project in Tacoma, Washington, employed a paralegal, a social worker, and a secretary to help battered women deal with legal procedures in the court system. This project is part of an already existing legal services program operating in the country. In Portland, Oregon, a community education project designed to inform the community about prevalence and severity of wife abuse employed a community education specialist and publications coordinator for several months last year in a CETA Title XI funded project. A major difficulty with Title XI funding for battered women programs is that public service jobs are funded for only 1 year, which means that program operations will lose their CETA staff at the end of the year and have to seek funding again for such employees. Title I does not function under the same time constraints as Title XI. In addition, it provides a whole host of comprehensive employment and training services such as recruitment, testing and placement services classroom and on-the-job-training, work experience programs, and supportive services needed for persons to participate in employment training programs.

In closing, I would like to stress the importance of the CETA planning process. Because prime sponsors are State and local government agencies, political contacts are often an integral part of the CETA system. State and local commissions on the status of women, which are appointed by governors, mayors, and county executives, can sometimes be valuable allies by providing political support for programs. We would suggest you contact your State commission on the status of women and enlist its support. The Women's Bureau resource kit on battered women contains the names and addresses of State and local commissions, as well as those of our own regional administrators. Thank you.

CHAIRMAN FLEMMING. Thank you very much. Now we would like to hear from Leah Wortham, Special Assistant to the President of Legal Services Corporation.

Presentation of Leah Wortham, Legal Services Corporation

Ms. WORTHAM. Thank you for asking the Legal Services Corporation to participate in this consultation on "Battered Women: Issues of Public Policy." The Corporation is pleased that two staff members from local programs funded by the Legal Services Corporation were included on the program of this consultation and that a number of other staff members from local legal services programs are participating in the consultation.

As I give some background information on the Legal Services Corporation, it will be apparent that legal services is a decentralized program and that the work done by local legal services programs is determined largely by the clients, boards, and staff of those programs.

The Corporation's latest statistics show, of the approximately 1.25 million legal matters handled by local legal services programs in 1977, about 29 percent (or over 366,000) were family law matters. The Corporation does not have statistics on how many of these cases involve domestic violence or in how many instances people, who came to legal services with other problems, received advice regarding criminal remedies in cases of spouse abuse. We do know, however, that a number of local programs have devoted significant resources to work on spouse abuse, and I will briefly describe a few of those.

Lawyers in several legal services programs in New York are involved in *Bruno v. Codd,* the challenge to the response of the police and the courts to spouse abuse complaints in New York. Marjory Fields, one of the attorneys involved in that suit, was on your program yesterday. Information about this suit has been published in *Clearinghouse Review,* the Corporation publication on legal developments, and information about the suit is available from the Clearinghouse. The Corporation provided some one-time funding for expenses associated with this suit.

Advocates with Evergreen Legal Services in Seattle advise women who want to file criminal complaints and keep records of treatment by courts and police as well as providing representation for civil dissolution of marriages. They have also talked with police training classes to attempt to sensitize them to the problems of battered women.

The Chicago Legal Assistance Fund, with supplementary private funding, has established a unit to represent battered women in civil injunctions and divorces and to advise women regarding the filing of criminal complaints. The unit provides referral to shelters and has a social worker who can talk with women about alternatives which exist outside the court system.

Rhode Island Legal Services represents a community group concerned with battered women and has handled their incorporation, lease negotiations for a shelter, and other legal questions. The program represented clients concerned with spouse abuse by drafting legislation which eliminated the requirement that police actually witness the assault in domestic cases (thus enabling police to get the spouse out of the home immediately after the assault) and helped secure passage of that legislation. Legal service staff are now working with police departments to see that police training encourages implementation of the new law and to sensitize police to the problems of spouse abuse.

Mid-Hudson Legal Services in Poughkeepsie, New York, successfully applied for CETA funding for two attorneys, two paralegals, and one secretary to staff a special project for battered women. The program has emphasized coordination with other community agencies so women coming to legal services can be referred to other necessary services. In addition to needed legal representation, project staff have met with local justices to talk about a recent change in State law concerning spouse abuse and to discuss the way in which domestic violence cases are handled. The project is working on a handbook on spouse abuse which can be read by lay people as well as lawyers and paralegals.

These are some examples of work done by our local programs. The Legal Services Corporation itself is an independent Corporation governed by a Board appointed by the President and confirmed by the Senate. The Corporation currently funds more than 300 local legal services programs with over 900 branch offices employing about 3,700 lawyers and 1,500 paralegals. These local offices represent poor people in civil matters. Legal services programs are independent nonprofit corporations governed by local boards. Because virtually no program can handle all the legal problems of the poor people in their community, local programs are required by regulation to set priorities in consultation with their client communities. Priority and resource allocation decisions are made on a local level, within constraints set by Corporation authorizing legislation. The act prohibits representation in criminal proceedings so attorneys in local programs could never be involved in criminal defense of spouse abuse cases, but programs can, and do, advise victims about procedure for filing a criminal complaint.

In closing, I would like to describe a project of the Research Institute, a division of the Legal Services Corporation, which funds Fellows to do research in particular areas of the law affecting poor people. The Research Institute is currently funding Nadine Taub of the Women's Rights Litigation Clinic at Rutgers, and Ann Marie Boylan, a private attorney in New Jersey, both of whom I believe are here today, to work on a project exploring the equitable remedies available in spouse abuse cases, remedies in other areas of the law that might be transferable, and the problem of enforcement with those remedies. The focus of their research is on the institutional barriers in obtaining relief in the courts. Their report should be completed by July 1978. Once the paper is finished, the research institute will bring staff of legal services programs together to discuss the findings and discuss ways in which these findings could be implemented.

Discussion

CHAIRMAN FLEMMING. Thank you very much. I am going to proceed now by starting with some questions that I would like to address to Ms. Downey of Department of Health, Education, and Welfare. When I finish with HEW, I'll ask the other Commissioners if they have questions relative to that Department, and then we will proceed in that order. First of all, on Department of Health, Education, and Welfare, you referred to the fact that the Secretary had set up a task force. MS. DOWNEY. I said that the Secretary had designated a coordination point for all of the efforts that arise simultaneously more or less around the Department. CHAIRMAN FLEMMING. I see. So far he has not gone beyond that point. He has designated someone to try to coordinate the various activities throughout the Department in the area.

Has that person been asked to reach out and contact any of the other departments and agencies that are also involved in the battered women problem?

MS. DOWNEY. I don't know if the request to do that came from the Secretary or not, but I anticipate it will be a natural in the course of events that seem to be shaping up. Laura called a group of us together last week or the week previously, and was a sort of pulse taking of what is the state of various thinking around the departments. And it was clear that most of the people who are working on things related to wife abuse in the Department are doing so in close touch with the group that had been brought together by the White House last spring and summer and other related activities, like funding of training for legal offices.

CHAIRMAN FLEMMING. Is there any formal followup at the present time to the meeting that was held at the White House under the auspices of the White House staff; is there anyone that calls that group together regularly to see what is happening in that area in all of the relevant departments?

MS. DOWNEY. Not that I know of in terms of all the departments; I can speak for HEW in terms of relating back on behalf of HEW to people at the White House and letting them know what the status of our efforts, which is kind of across the board.

CHAIRMAN FLEMMING. The group is not called together from time to time for the purpose of comparing notes and seeing what addition –

MS. DOWNEY. Are you referring to the group that met at the White House or our group within HEW?

CHAIRMAN FLEMMING. I'm aware of the fact that this meeting was held at the White House. I am aware of the fact that there is an interest. I am just wondering whether that interest expresses itself in bringing together people from the various departments from time to time to see what is going on?

MS. DOWNEY. Yes. At least insofar as there has been two followup meetings. I would guess the answer to your question is yes. I am anticipating it will continue.

CHAIRMAN FLEMMING. Let me proceed to the area that we touched on right at the end; that's the area of mental health. If I ask a question that you don't have the answer to, I'd be very happy to have you get it from NIMH and supply it for the record.

MS. DOWNEY. I am very happy to know that "I don't know" is a legitimate answer.

CHAIRMAN FLEMMING. I appreciate the fact that as far as HEW is concerned, it's not easy to keep up with all the developments. But we did have a presentation this morning by a staff member of the Women's Advocates from St. Paul, Minnesota, dealing with the shelter that has been developed there, who outlined for us the various resources that have been tapped by the people that are responsible for that shelter. I'll get into the development program in just a few minutes in regard to that. But their first breakthrough in terms of the public sector came in 1974 when Ramsey County Mental Health Board made a grant of $35,000.

That led me to ask other members of the panel this morning as to whether or not they were getting help and assistance in this area from the community mental health clinics, from the mental health resources generally. And the response I got both from the members of the panel and members of the audience, who come from all over the country, was no, that they are not aware of any significant response on the part of community mental clinics in the mental health field. I was just wondering whether or not you had talked to NIMH about their approach to the shelter situation as far as battered women are concerned, or without regard to the shelter situations as to whether or not they are putting significant emphasis on this area of battered women. And if you have not, I am wondering then if you would ask NIMH this question, and ask them to supply a statement for the record of this consultation.

Ms. DOWNEY. In answer to your direct question, no, I have not made that inquiry of them. And yes, I will. We have, however, talked to the St. Paul shelter. And I have in my file some very, very helpful correspondence from both Ramsey County and Hennepin County, who solved for us what could have been a really dilatorious misunderstanding. At one of the— and if you don't mind, it's a small digression, but I'd like to share the solution that they found.

At one of the White House meetings, the early one in fact, which pointed out some difficulties that shelters were having, one of the problems brought to our attention was the difficulty for mothers to be sheltered in a shelter receiving Federal monies; at the same time that they were getting AFDC funds because it was presumed to be double-dipping in the form of two payments within the same month for food and shelter. And it was thanks to the Ramsey and Hennepin County, Minnesota, shelter having already solved this problem that we discovered for the simple filing of a nonduplication waiver in a State plan for AFDC monies that resolved that problem. And a number of States, I am not certain at this point how many, have already filed those waivers and that no longer presents any barrier. Until they invented that solution or discovered that solution, Hennepin County and Ramsey County were even more inventive. And I think this may be the point that they discovered the use of county mental health monies by paying a per diem to the woman on the day that she was sheltered for other reasons; thereby not interfering with her AFDC eligibility for that month.

CHAIRMAN FLEMMING. This I think was referred to in the statement this morning by Monica Erler from St. Paul, when she said the county would pay Women's Advocates, I think it's $5.50 room and board, and $2 per day for the child up to 30 days.

This is an emergency housing measure paid from county welfare emergency funds. That system makes it possible for a resident to save her entire AFDC check for her living expenses when she leaves because none of it was needed to provide food for the shelters.

Ms. DOWNEY. And then she has the possibility of establishing her own home without returning to violence.

CHAIRMAN FLEMMING. Have all of the States been made aware of that development; has Public Service Administration gotten this word out to all of the States, to the best of your knowledge?

Ms. DOWNEY. I can't definitely reply to that. But it's on the list of things to be done.

CHAIRMAN FLEMMING. Would you mind asking that question, and then providing us with the answer?

Ms. DOWNEY. Sure.

Chairman Flemming. So we can make that a part of the record of this hearing also. You mentioned Title XX, which is of course very important in this area. St. Paul said that they "received purchase of service funds under Title XX for which residents qualify as persons who suffered 'neglect, abuse and exploitation.' We are considered providers of counseling and advocacy of that service."

Now, I appreciate that this varies from State to State depending upon what the Governor puts into the State plan. But here again I am wondering whether or not Public Service Administration has made all of the States aware of this particular development, so that those who are interested in this area can put the heat on the Governor to include something like this in the State plan?

Ms. Downey. That's usually handled in the sharing of information in the models.

Chairman Flemming. Right. One other report that we got on that is that the St. Paul shelter has been designated a day care center, "which makes us eligible for funding under the Minnesota Childcare Facilities Act." And then "we are also group family day care home, which entitles us to help through the U.S. Department of Agriculture." All I can say is, as I listened to the St. Paul presentation and asked questions about it, it certainly made me realize that there was a real opportunity at the HEW level for coordination of these various resources that could be made available to the shelters, and a real opportunity to get the word out as to how they could be coordinated and how they could be used. Then I think I go beyond that and say there is a need it seems to me for going to the next level and identifying the resources available not only in HEW, but in the other departments, and getting that together in a package which could go out to people who have a concern for these centers and who are trying to obtain some of these resources. The representative of the St. Paul center was very frank in saying that it has taken a lot of time to coordinate it at the local level. But they were willing to work at it, and because they were willing to work at it, they got results.

Ms. Downey. They did a very impressive and innovative job. Hopefully things are somewhat easier for the shelters because of the model they have provided. There is one other thing that's implicit in what I said earlier about AFDC eligibility. And since that was sort of an abbreviated statement, I'd sort of like to elaborate on it. After they establish their AFDC eligibility, Medicaid is relatively quick to follow.

Chairman Flemming. Right. There is one issue here, I'm not sure whether you have covered this or not. Some areas have reported to our staff the view that some problems arise out of identifying the husband's potential to contribute to the family support even though he may not be doing so. That is a problem regarding eligibility. Has this been called to your attention, and do you know whether or not anything has been done to get out any kind of information on that?

Ms. Downey. It's interesting. I'm sure you're familiar with Title IV, defined the absent father legislation. When it came to the attention of the Women's Action Program, it was the first one that was clearly one on which our constituency was clearly divided along class line. On one hand, we have a large constituency whom that absent father represents a potential element in the child support payments, which they felt was clearly deserved. On the other hand, we have another constitutency well-developed, less able to speak for itself, but who felt very much at the risk of having to have the whereabouts made known to the father. We were successful in having included in the final regulations language, the phrase: the best interest of the child. Now, in instances of battered wives, much the same division of feelings as to whether it's in her best interest to indicate the whereabouts of that breadwinner or not exist. The AFDC payment, which cannot be withheld on the basis of her failure to cooperate with those efforts because those AFDC payments are paid on the basis of the children. And by the way, another thing that is worth noting is that at least 30 States now also provide AFDC payment during first pregnancy for the mother who is not yet a mother for the first time. They vary in terms of point in pregnancy they begin. I got lost in your question. Or did I answer it?

Chairman Flemming. The specific problem that I identified was the fact that in establishing eligibility, the husband's potential to contribute to the family's support could stand in the way of establishing the eligibility of the wife even though as a matter of fact the husband was not contributing to her support?

Ms. Downey. If she relocates and does not have access to the actual resources of the family, whatever the reason, as long as she is without current resources and is the parent with the child, the home is presumed to be where she and the child are. And that establishes the eligibility.

Chairman Flemming. One other question I'd like to ask. You referred to the emergency shelter. Is that built into the law or was that a policy decision?

Ms. Downey. I gather that it is the language of the law. I have the regulations with me. I don't have the law with me. But it is my assumption that it's language of the law.

Chairman Flemming. At the Civil Rights Commission, we are concerned about that and we, in all probability, would have to recommend a change in the law rather than change in administrative policy. All right. Now, I will ask my colleagues, Commissioner

Freeman if she has questions relating now to HEW. Then we will go to the other departments.

Commissioner Freeman. You have covered all I have.

Chairman Flemming. Okay. Commissioner Ruiz, HEW?

Commissioner Ruiz. Yes. I believe you said that Secretary Califano has coordinate programs –

Chairman Flemming. Wait a minute, I think she said he was not –

Ms. Downey. He has named a coordinator –

Commissioner Ruiz. To address problems of the battered women, correct?

Ms. Downey. Correct.

Commissioner Ruiz. Are you going to be actively engaged in identifying these resources and programs?

Ms. Downey. Yes. There are several of us. Some months ago the Women's Action Program convened a group of people who has each made individual efforts, but has somehow, aside from having spoken to each other over the telephone, somehow never gotten together in the same room. Much of the same group of people are the group of people who now, with the additional help from the White House and Secretary Califano, encouraged what they were individually pursuing previously.

Commissioner Ruiz. If you are going to be actively engaged in ascertaining what resources or programs may be available, I was wondering, Mr. Chairman, if that could be an exhibit at this place in your testimony.

Chairman Flemming. Yes. I appreciate the fact that you may not complete that immediately. But if that is in process and if you could take the results of that search up to the present time and give us a memorandum indicating the results of your activities, I think it would be very helpful.

Ms. Downey. I think it's fair to say that we can deliver to you any of those things which don't involve new legislation or new findings.

Chairman Flemming. But I am sure you are interested, Commissioner Ruiz, as I am that the information, when it gets into this record, it gets into general circulation and can be of help.

Commissioner Ruiz. That's it precisely. Thank you.

Ms. Downey. Thank you.

Chairman Flemming. Well, let's turn to the Department of Housing and Urban Development. We have had considerable testimony on the use of community development funds in St. Paul. We noted this morning with great deal of pleasure the fact that apparently this was going to result in new regulation being promulgated which would open this possibility through the country. I don't normally predict what the Commission may do because we are a collegial body and sometimes get involved in discussions among ourselves. But I don't think I have any hesitancy in predicting that we will certainly urge that the regulation as described by you be implemented. It seems to me to constitute a real breakthrough in getting some help for shelters. Commissioner Freeman?

COMMISSIONER FREEMAN. Yes. Ms. Kaufman, I will have two lines of questions. First, the extent to which HUD can fund the shelters for the battered women. And then the other question would be one for the individual, for the woman who is the victim, who does not remain in the temporary shelter, but who would need permanent housing. And I ask that question because I would like to know if HUD has changed its definition of family. And if you could respond to those three, then I would pursue the others.

MS. KAUFMAN. First let me respond to your last question. No, HUD has not changed its definition of family. Right now a single person is not eligible for Section 8 Housing, unless that single person is elderly, handicapped, or displaced by governmental action.

COMMISSIONER FREEMAN. May I then ask you is this prohibition a prohibition that is included in the law or in the regulation?

MS. KAUFMAN. Quite frankly, I am not positive as to whether it's regulatory or statutory.

COMMISSIONER FREEMAN. Mr. Chairman, I have had some experience with HUD's definition of family. I am not sure at this point whether it would be a prohibition of law. I believe that it is by regulation. If it is by regulation then certainly I would anticipate that one of the recommendations of this Commission would be to HUD; that it will revise its regulation to define family to include any low- or moderate-income person or individual shelter or housing. To include such person would of course include a battered woman.

MS. KAUFMAN. Even though I agree philosophically, the program is for housing for low- and moderate-income families, which should not exclude women who have been battered. But trying to draw up a definition which will not include people who are not in need, families and people who are not in need of housing who would otherwise qualify economically.

COMMISSIONER FREEMAN. Well, we are talking about low income and moderate income. Suppose there are two female household heads who want to share—they are not related—they want to share quarters for economic reasons. In a revision of the definition of family, they could be so-housed. Is there any prohibition now under existing regulations against those persons being house?

MS. KAUFMAN. If one woman has children she is a single family head of household, then she qualifies as a family. And if in the locality where she applies for low rent public housing, the definition permits

199

people who are not related by blood or marriage to live together, then those two women with their families could be a family.

Commissioner Freeman. So, the situation as it is now is that a single battered woman with no children could not join with another battered woman with no children and two of them seek to have permanent shelter?

Ms. Kaufman. They define themselves as a family, and if the locality defined family to include persons who are not related by blood or marriage, then it's possible that a creative interpretation of the regulation might allow them to constitute family. However, HUD's definition is that a single person—now you're talking about two people.

Commissioner Freeman. What I am appealing for is creative interpretation. I realize that some of the questions that I'm asking may not have answers that you have immediately available. But my request, Mr. Chairman, is that Ms. Kaufman be permitted to respond in greater detail to all of these questions because we will pursue them. And if it is appropriate and if it is necesary, certain recommendations for changes in law would be made, and recommendations for changes in regulations be made. But we have need to know what HUD's present interpretation is and the extent to which HUD defers to a locality in defining family. Because it may very well be that in deferring to a locality, HUD may be acquiescing in some violations of the law. However, I am not suggesting that HUD is.

Chairman Flemming. As you indicated, elderly persons and the handicap now fall—well, they are regarded as family?

Ms. Kaufman. Yes, that's correct.

Chairman Flemming. My recollection that was done by legislation, but we would appreciate it if you would follow through on Commissioner Freeman's suggestion, if you would take her line of questioning and then develop for us a memorandom to respond to those questions; whether we are dealing with a question of law or a question of interpretation, and if it is an interpretation of the existing law, the reasons for it. That would then give us a foundation that we could rest on in making the kind of recommendations that I feel sure the Commission will want to make.

Commissioner Freeman. One final point, Mr. Chairman. This with respect to each one of the programs, direct subsidies program, any other appropriate program or any other program under the administration of HUD.

Ms. Kaufman. Fine.

Chairman Flemming. Turning now to the Law Enforcement Assistance Administration. Most of the money that is spent under the Law Enforcement Assistance Administration authority is spent as a result of the development of State plans, which in turn are finally approved by the administration. So the State plan becomes very, very important. However, the State plans are developed within guidelines that are established by the administrator. What can States include in their plans dealing with this whole area that we are talking about now including the question of shelters? Is it pretty wide open; they want to spend some of the money that's allocated for this purpose?

Ms. **Niedermeyer**. The Victim Witness Assistance Programs gives us a foundation for looking at this. This program was based on the premise that the criminal justice system has a responsibility to crime victims and that most criminal justice agencies are not equipped to provide the many services that victims need and, therefore, depend on other agencies and community efforts to provide these services. Based on our experience in the Victim/Witness Program, LEAA can award grants to any public or private agency or community group as long as the project is aimed at improving the criminal justice system—that is, as long as the services provided are tied into the system in some way. This tie-in with criminal justice is often rather subtle as in the case of our four projects for battered women which provide funds mainly for shelters. However, the overall objective of these projects is to improve the treatment given to these particular crime victims and thereby increase the number of crime reports and number of successful prosecutions. Although these projects are aimed at criminal justice improvement, they are definitely social service oriented.

Chairman Flemming. Projects which you financed in Washington with discretionary funds?

Ms. **Niedermeyer**. That's right.

Chairman Flemming. That amount of money is very small in comparison to the amount of money that's available to the State. As you see it, could any State include in its plan the kind of a program that you have financed with discretionary funds in those instances?

Ms. **Niedermeyer**. Absolutely. The purpose of the discretionary funding is to provide program models for the States to pick up. And that is our hope with these projects for domestic violence. Many other projects funded at the national level have been picked up by the State already.

Chairman Flemming. I am wondering if you would, again, be willing to give us a memorandum which in effect would just summarize that situation, because it seems to me that this can become an important part of the total Federal package. I have a feeling that it's a part that is really not completely recognized throughout the country. In the early days of the program, when I was a resident of Minnesota, I had the opportunity of serving on the Minnesota committee, and at that time developed appreciation for the fact that State committees have had a lot of discretion when it comes to developing a program. Which means again that, if things like this are going to get into the program, to a very considerable degree it will be the result of pressures being exerted at the grassroots level. Are there any other questions to LEAA?

COMMISSIONER FREEMAN. Yes. Ms. Niedermeyer, during these last 2 days and especially on yesterday, the statement was made that the criminal justice system is male dominated, that much of the problem with respect to the ability of the battered woman to receive assistance is with the attitude of police. And I'm wondering if you would speak to any programs which LEAA has with respect to this point, including the employment of women and by requiring equality of opportunity without regard to race and sex on police forces.

MS. NIEDERMEYER. LEAA has supported activities aimed at reducing discrimination against women in criminal justice. Most of the early work in this area has focused on documentation of the nature and extent of discrimination. One, the National Manpower Survey of the Criminal Justice System. The survey was conducted in response to a requirement included in the 1973 amendments to the Safe Streets Act, which provided for a survey of "existing and future personnel needs of the Nation in the field of law enforcement and criminal justice and the adequacy of Federal, State, and local programs to meet such needs." [See appendix for Executive summary.] One of the major findings of the survey is the fact that utilization of women in police officer positions has grown only slightly from about 2 percent in 1960 to 3 percent in 1974.

Two, Women on Patrol: A Pilot Study of Police Performance in New York City. The study, conducted by the Vera Institute of Justice, compared the performance of 41 male and 41 female officers assigned to two-person car patrols in New York City. This study showed the female officers to be regarded by civilians as more competent, respectful, and pleasant than the male officers.

Three, in order to provide a starting point for an indepth study of the involvement of women in the criminal justice system, LEAA plans to sponsor a survey of women as correctional employees. This project will highlight demographic characteristics and present training and promotion options for women in corrections. In addition, to the extent possible, the study will attempt to identify factors contributing to current practices regarding women as correctional employees. The results of this survey will be used to prepare a research agenda focusing on the issues underlying the role of women as correctional employees at all levels of the system (i.e. administrators, line staff). Through these projects, LEAA hopes to reduce discrimination against women employed in criminal justice agencies as well as the female clients of the system such as battered women. Projects of this nature should also increase the awareness and sensitivity of men in the criminal justice system.

COMMISSIONER FREEMAN. Does LEAA have any procedure for evaluating the effectiveness of such training?

MS. NIEDERMEYER. As I mentioned in my presentation, we put a lot of money into police crisis intervention training and it was evaluated. I will be happy to send copies of these evaluations to the Commission for inclusion in the testimony.

COMMISSIONER FREEMAN. If that evaluation is contained in any written report, could such evaluation be made available?

MS. NIEDERMEYER. I will make it available.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. Thank you very, very much. Turning to the Department of Labor, particularly in reference to CETA, do you feel that in the communications that have gone from the Department to the prime sponsors under CETA, there has been an effort to point out how CETA funds could be utilized either under Title VI or Title I to deal with the problem area that we have been directing ourselves to? Apparently Title VI has been used more than Title I whereas maybe the possibilities inherent in Title I are much greater than Title VI, although it isn't so easy to get prime sponsors to see it that way. And I am just wondering whether or not materials have been sent out to prime sponsors which highlight the possibilities that are inherent in the CETA program.

MS. HILTON. Mr. Chairman, I am not truly a CETA expert. I can tell you that messages have gone out to prime sponsors in terms of the importance of integrating women fully into their programs, and also trying to encourage them to provide training for nontraditional jobs, etc. I do not believe that any special message to date has gone out about special issues related to battered women.

CHAIRMAN FLEMMING. I am wondering if you would be willing to query the Assistant Secretary who has responsibility for CETA as to whether or not it has been done. And it has not been done, whether or not he would be willing to take steps to do it. Then if you could provide us with a memorandum based on that contact, we can include in the record at this point.

MS. HILTON. I will certainly be happy to do that.

CHAIRMAN FLEMMING. Here again, I think there is tremendous potential here, particularly as the funds for CETA keep moving up in a substantial way. As you know, this Commission has had some experience with CETA as far as older persons are concerned. The Secretary appeared as a witness before the Commission and indicated that some things had to be done to step up the involvement of older persons in the CETA program. And it's conceivable that some affirmative steps need to be taken in order to step up the involvement of CETA in this particular program.

On the Legal Service Corporation, I appreciate very much your presentation. On a positive note, I am going back to St. Paul. I don't know whether I keep going back to it because I am a former resident of St. Paul or not. But I was thrilled by the development there. But they say this on legal assistance: "Legal Assistance is overloaded and routinely delays appointments for divorce interviews for weeks, and even months. Now, if a woman who is in physical danger because of family violence calls, she is given an early appointment date. Legal Assistance is one of many groups now drafting legislation which will make changes in the Minnesota statute governing assaults. We hope that we will have some favorable change in the law when the current session ends in March." I'm not sure I did ask this question; does legal assistance include Legal Services Corporation programs and possibly some other legal assistance programs that are funded in other ways? Yesterday we asked questions about whether or not women who are the victims are getting the benefit of legal assistance.

We zeroed in specifically on the Legal Services Corporation. Generally speaking, there seemed to be the feeling that there was not much of an interrelation. And then of course one person pointed out very appropriately that you do have one limitation in the law that could impair somewhat your ability to be of assistance in this area, namely, the limitation against participating in a criminal action. I'm wondering what is your feeling as to whether the units of the Corporation out in the field have gone out of their way to identify the kinds of assistance that they could give to the battered woman, that they could give to these shelters, and whether more needs to be done in terms of helping the programs than has been done up to the present time? Also, how much of an obstacle is this prohibition in your law against participating in criminal actions?

Ms. **WORTHAM**. I think you will find that what has happened varies from community to community because, as I tried to stress earlier, we are a very decentralized program. The work of a local legal services program is determined by the problems clients bring to the program and the and the priorities set among those problems by the local program in consultation with their client community. The problem programs face is that virtually none of them have funds adequate to meet the needs of their communities. That is why we have required by regulations that local problems set priorities and involve clients in the process. In talking to our regional directors to prepare for this consultation, to a couple of them mentioned that in local priority setting processes, some local programs have given the problems of battered women a priority.

CHAIRMAN FLEMMING. A working agreement was developed between the Administration on Aging and the Legal Services Corporation in order to help focus some of the resources of the Legal Services Corporation on the needs of older persons. Do you think that a working agreement between the Department of Health, Education, and Welfare, for example, and the Legal Services Corporation in this particular area might be of some help in encouraging the local units to give careful consideration to the possibility of establishing such a priority?

MS. WORTHAM. I am not really familiar enough with that agreement to be sure this is an appropriate answer, but one difference is that in the case of the Administration on Aging agreement, there is special funding for legal services for the elderly. Many legal services programs receive this supplementary funding for assistance to the elderly. At this point, LSC funding is almost all per capita funding to local communities, allocated on the basis of the number of poor people in their service area. We do not to impose national designation as to which poor people to serve or what problems to deal with. There are additional funds from AOA for legal service for the elderly so we try to see that LSC and AOA effort in that area are complementary.

CHAIRMAN FLEMMING. The end result is going to be that there wil be more Legal Services Corporation funding used which would not otherwise be the case. You might just indicate to the President that I raised this question about the possibility of a working agreement and he might like to respond to it. If he does, why we would be glad to include it in the record at this particular point.

MS. WORTHAM. I don't think I fully responded to your first question regarding the restriction on criminal representation. It's very clear that we cannot defend someone accused of criminal action. I don't have the act right in front of me, but the regulations speak to assistance in a criminal proceeding. It's clear that when a client comes to a legal services office and says: "What are my alternatives if I have been abused?" that the program staff can counsel the client on the alternatives in studying criminal process. The *Bruno* case, which I mentioned earlier, concerns the response of criminal justice institutions, but the suit itself is a civil one. In a criminal proceeding the victim is represented by the State, and we don't represent victims or defendants.

CHAIRMAN FLEMMING. Here, again, I am wondering if you would be willing to ask your General Counsel to give us a memorandum as to how they look upon that limitation in relation to this particular problem. As you know, we have gone on record with the conference committee as opposing some of the limitations that have been placed on the Legal Services Corporation. And, I am sure, we'll want to explore the possibilities of going on record as offering this particular limitation it has on adverse impact on this particular area.

I'd like to just make this general comment. I appreciate very, very much the presentations that have been made by the various departments and the responses to the questions. This testimony this afternoon, plus the testimony that we had during the first part of the morning session where there was a good deal of emphasis on successes and failures in getting funds for the centers which we all recognize are so essential, has proven to be very helpful. The testimony illlustrates again the fact that there are various types of resources that are available; but that if they are really going to be meaningful in the lives of the person that we are thinking about in this consultation, some persons, first of all at the Federal level, have got to be concerned about pointing out how they can be coordinated. Then these persons have also got to identify the obstacles that stand in the way of this coordination. And if something can be done to remove these obstacles, it could open up resources that today are just not available. This, of course, is in addition to the kind of resources that can be opened up through the kind of new legislation which is now under consideration on Capitol Hill. But I think what we have been doing today is focusing on our existing resources and how they can be channeled more effectively to deal with a problem that is certainly of the highest priority as far as the Nation is concerned.

We appreciate the spirit that's been reflected in this testimony. We do follow the practice at times, after we have had the opportunity of studying the record, of addressing additional questions to a department growing out of our discussions. If we do address further questions to you, we will appreciate any help that you can give us in getting responses to those questions. Thank you all very much.

I'd like to recognize Mimi Griffith, representing Representative Lindy Boggs; Joanne Howes, representing Representative Barbara Mikulski; and Roberta Avencena, representing Representative Newton Steers, Jr.

We understand that the House of Representatives is occupied this afternoon with major legislation. We appreciate very much all of you coming down and helping us to obtain additional information in connection with what has proved to be a very helpful consultation. I will simply recognize you and you may make any statement that you would like to make relative to the legislative situation. I will recognize first of all Mimi Griffith who represents Representative Lindy Boggs.

Congressional Panel

Presentation of Mimi Griffith for Representative Lindy Boggs

Ms. Griffith. Thank you, Mr. Chairman. I know Mrs. Boggs would like to be here herself. She was scheduled to come here this week, but as the Chairman said, action on the floor of the House prevents her, Ms. Mikulski, Mr. Steers from being here themselves. So, we're going to fill in and talk a little bit about our members' legislation and where it is and what you all and what the Commission can do to help our efforts. I'm Mimi Griffith from representative Lindy Boggs' office. Many of you I'm sure I've talked to on the phone. To my left is Joanne Howes from Congresswoman Barbara Mikulski's office. And to my right is Bobbie avencena from Congressman Newton Steers' office. In the audience is Sandy Wallace who works for Senator Wendell Anderson, who has cosponsored the Boggs-Steers bill on the Senate side. I will turn this over now to Joanne, who will talk a little bit about the bill and the legislative history, the status of the bills, what's happening on the Hill now In short, what is behind the formerly closed doors.

Presentation of Joanne Howes for Representative Barbara Mikulski

Ms. Howes. First, I'm interested to know if you're familiar with the legislation that's been introduced.

Chairman Flemming. Let's assume that there are people in the audience who are not familiar.

Ms. Howes. I will start by giving a brief idea of where the bills came from. Then I will talk about Congresswoman Mikulski's bill, and Bobbie can talk about the Steers-Boggs bill. In general, the first thing that is most important for you to know is that these two bills were offered because there was awareness that there was a problem.

The Mikulski bill was put in September and the Boggs-Steers bill was put in in June. They came about after a series of conversations with a number of people in the community that were trying to do something about the problem, as well as the Federal Government agencies that are present. Nobody put in a bill really who had the answer to the problem. As I think we've heard these past 2 days, it's still not totally clear, with the limited amount of money that we think we can get Congress to appropriate, how it is really the best way to spend those dollars. But that was sort of the mental point of view that the two members—all members had in Congress when they put this bill in. But they realized that problems did exist. And that the outcry for Federal dollars existed and that something needed to be done. Thus, the legislation. Congresswoman Mikulski's bill comes from the point of view of wanting to try to do something to stimulate community action, and she wants to reinforce what is going on at the community level. After looking through the Federal Government agencies in the various programs, she decided upon the agency of ACTION, which does have a community focus. It is the Volunteer Services to American Act. And in it we saw a way of helping the programs that were already going on in the community. The response, I think, from the feminist organizations and from a lot of people in general will agree that we don't necessarily need more volunteers. We have volunteers, and what we need is dollars.

Also part of the bill would have an advocacy national clearinghouse. What I think we have heard today is that there are various points in the Federal Government that do have such dollars. But nobody out there in the world knows where to find them. It would be important to have some place, not only to collect data, but the advocacy kinds of clearinghouses to take that information and get it out to the grassroots. Also to have some kind of hotline. Our original idea was to have a national hotline. Now, we are more thinking that local hotlines are probably what's needed, although it may be some way that people can get in touch with the national phone number. Another one of our ideas was to have an interagency council. So that various representatives from all these different agencies and many more that you have here today would meet four times a year to talk about what they are doing about the problem of domestic violence. And I think what I have seen happen in the 6 months I've been in it, asking groups to begin to meet because it sort of moves them further to action. They find ways within their present regulations that they can give dollars, if they are pressed to find ways to give dollars. So we see that that interagency council would be a way to increase the activities.

Our bill never intended that all other action within the Federal Government would cease and desist as soon as this bill would pass. It would be to encourage other funding to increase, not to decrease. The other sort of comments that we have heard on the Mikulski bill is that is the need for dollars. And I think we have come to sort of direct the idea that the women that have been commenting are right. And I am telling you this to set the scenario that we put these ideas there. And we really have been trying to listen to what the community has been saying. So, now we are moving, we've not redrafted a bill.

Mimi will describe the hearing process. We are going to wait until we actually have hearings before we have a new bill. But what is more in our heads now is to set up a situation. We are still interested in using the agency of ACTION because we frankly have not become convinced that some of the larger Federal bureaucracies can get the money out to the grassroots in the way we'd like to see it. We are still interested in the agency of ACTION. But over at ACTION there are minigrants, which are $20,000 to $25,000 a year, at least starts up kinds of money that people could get on a 1 or 2 year basis. Now, we understand that that's not going to solve everybody's whole problem but at least it's a way to get some money out as startup money. And we have always been thinking about the term of the volunteer, and we're hearing that people don't think they need volunteers to run their shelters or hotline, or at least some people don't seem to think they need those. I think we may find that some people would need staff but what we hear the most is that they need a way to fund themselves for the long run. They need a way to get the community really involved in their program. They need a way, an advocate kind of person who can go to the communities, who can go to the local government, State government, get the necessary State legislation passed, get the corporations involved, get the foundations involved, get all of the different private sectors, local government, State government because we really don't think that the Federal Government is going to fully fund shelters; nor do we really think that's necessarily the best way to go. I think what I have heard all along is that we really want to reinforce the local effort.

The Boggs-Steers bill takes a somewhat more traditional approach toward Federal funding than Ms. Mikulski's bill does, in the sense that it tells HEW (the original bill mandated NIMH, which is, I think, is pretty much considered by the wayside now) to set up a series of demonstration grant programs which would be one way of putting Federal dollars directly to the local community. So we have been having a lot of dialogue with people who are running programs or who want to run programs about the concept of demonstration grants and about what would be the best mechanism for getting money to the local communities, at the same time helping to generate some useful information that can be shared with other community groups. We are still at the point where we are certainly receiving suggestions about that point.

Another section of the bill is a section which mandates LEAA and HEW together to do a systematic study of State laws and practices throughout the United States with an eye on coming up with some meaningful statistics. Everywhere we go, we are talking with bureaucratic agencies, or committee chairmen, or subcommittee staff, which is how extensive is the problem, and how it is being dealt with. So we feel that whether it is done by mandating a law or whether it is done through some other avenue, we think that it is necessary to continue getting the kind of data that we need to substantiate ourselves. Only because when the act expires the Committee is going to say, why should we reauthorize you. So this is the way of getting that justification.

Those are basically the three main points of the legislation as they stand now. As I said, we are gratified that this whole problem is getting some attention from the Congress. I guess the first public thing that happened was almost a year ago now, it was last March. Newton Steers and Lindy Boggs attended a luncheon with Erin Pitsey, with whom I am sure many of you are familiar. She is the British pioneer in domestic violence in England. She was in the country on a tour. Ms. Mikulski was there at the luncheon, as were a number of other members of Congress. It was the first time that many members of Congress had really heard a heavy discussion about the plight of battered women and their families. Ever since then, things have been snowballing. Usually the legislative process is excruciatingly slow, but things have been moving along.

On the Senate side, Senator Cranston, who is the Chairman for the Child and Human Development Subcommittee, has scheduled a hearing for March 8 on family violence. That legislation has moved between the time when we put it in and it is sort of at a stage B now. We are going—then go to hearing process and we will have a new bill. But I think that it does give you an idea of the amount of listening that we have been trying to do. When I say "we," I mean all the members of Congress. We really, literally, talked to hundreds of people that are concerned about this problem, trying to get away with the most effective bills, so we can get some dollars out to the community.

Presentation of Roberta Avencena for Representative Newton Steers, Jr.

MS. AVENCENA. My name is Bobbie Avencena, and I have a statement from Congressman Steers that I would like to submit for the record. I would also like to say that I wear two hats. I am also a member of the board of directors of the House of Ruth.

Discussion

CHAIRMAN FLEMMING. Fine. We are very happy to receive it.

MS. GRIFFITH. Bobbie and I started working together on this in the fall of 1976 on this issue. Also Mrs. Boggs is a member of the board of directors for the House of Ruth, which is a shelter here in

Washington. The first thing we had to do as part of fundraising projects was to start discussing what the Federal role should be, what can we do, what do places like House of Ruth need. We came up with the Boggs-Steers-Anderson-Kennedy bill, which we are gratified to see is actually get some attention in Congress. For those of you who are not familiar with the basic points in the bill, it provides a clearinghouse. Those of you who cannot testify in person, which is impossible because it is only going to be a 1-day hearing, should make your views known to your members of Congress and to the Committee as to your ideas about what the Senate ought to be doing. On the House side, the Select Education Subcommittee of the House Education and Labor Committee has promised Mrs. Boggs, Ms. Mikulski, and Mr. Steers that it will conduct hearings. However, dates have not yet been set.

Representative George Miller of California has agreed to chair the hearing. Our members have been pressuring the subcommittee staff for a date, but we have not gotten one yet. We are looking forward to 3 days of hearings, which is really quite a bit in congressional terms for hearings. So basically, once you get to the Committee hearing stage in congressional activity, that is pretty hard because there are almost 200,000 bills introduced in Congress every year. We feel that it has gotten this far, but of course we don't want it to get stuck in the Committee.

So, basically, our message to you is that, number one, we need to hear from you and from the people who are in touch with the Commission about what you think the Federal role should be. What should the Federal Government be doing? We need for you all to go back to the members of the Congress who represent your district and tell them what you think should be done. Members listen to their constituents a lot more than they listen to us, that is for certain. You need to get your members of the Congress and Senators involved, even if you think that maybe based on their records that they won't be initially receptive. That is really the least important thing.

The most important thing is that they hear from you, or from their States, or from their districts. And basically our message is that in order to make things happen the way you think they should happen at the Federal, State, and local level, you have to learn to manipulate the political process toward your goals, that means becoming skilled in the political process, whether it is pressuring the Congress or pressuring the county commissioners, or pressuring your local police department. I know that many of you are very, very active at the local level in this regard. I would urge you to do the same with your member of the Congress. I guess our message to the Commission is thank you for providing us this forum to get our message across to everybody else.

We are looking forward to using all the information and comments generated from this colloquium and the Committees who we will be drawing a lot of testimony and the comments that come in from all of you, all in our efforts to convince Committees about the seriousness of this problem. Just the fact that so many people showed up, and the Civil Rights Commission has dedicated so much time and money to this, I think is evidence of its meaning.

CHAIRMAN FLEMMING. Thank you very much. We appreciate all of you coming. We appreciate what you have said. As I have indicated, if any of the members of Congress that you represent desire to file any additional statements with us, we would be very glad to have them made a part of the record. Particularly, if there is any change in the thinking relative to the proposed legislation, we would be very happy to be supplied with that. Under our law, we will make our findings and recommendations both to the President and to the Congress. Also if you feel at any time that the record that has been compiled here during the last 2 days would be helpful, we would be very glad to make it available. We appreciate very, very much your being here.

MS. GRIFFITH. Could we reiterate an announcement that we understand was made yesterday. Because so many of you have called us to get together, Sandy Wallace on Senator Anderson's staff has arranged for a meeting room to be available for consultation tommorrow. And we staff people will be there to chat further with you about particulars that can't be covered here. If you all have any specific questions, we will be glad to answer them at that time.

CHAIRMAN FLEMMING. Thank you. That announcement was made yesterday. I am going to in a few minutes adjourn the consultation. There is a whole series of announcements that Ms. Bonosaro would like to make. So I will ask you if you will stay and listen to those announcements. Before I adjourn the hearing, may I say to you that your presentations, the way in which you have responded to the presentations, has been one of the most exciting experiences I have had during a long period of service in the Federal Government. I first came into the Federal Government as a member of the U.S. Civil Service Commission in 1939. I've been in and out since then. I have been through a great many experiences. But I have never experienced this kind of a response. You made a deep impression on me, as I know you have on my colleagues. Your commitment is obvious, your concern is obvious. We are going to move forward just as expeditiously as we can in compiling the record of the consultation, developing a report based on the record, and in reaching our conclusions as to the findings and recommendations that we feel we should make to the President and to the Congress.

And once we have filed those findings and recommendations, we will not stop there. We do not believe in standing by and permitting our reports to gather dust. We will pursue our findings and our recommendations and will do everything we can to be advocates in terms of the basic principles that are at stake in this area. Many of you made real sacrifices in order to be here. We are indebted to you and we will never forget this experience. Best wishes. Thank you.

[Announcements were made by Carol Bonosaro, Director of Women's Rights Program Unit.]

[The consultation was adjourned.]

Prepared Presentations and Responses

Overview—Scope of the Problem

by Del Martin*

A problem—in this case, wife battering—becomes significant and of public importance when it can be proved that it affects millions of people. Consequently, many of us have been forced to play the numbers game in order to make the public aware that wife abuse is, indeed, a very serious social problem. Accurately determining the incidence of wife beating, of course, is nigh unto impossible—not only because obvious sources of statistics (police, courts, doctors, social workers, and mental health professionals) do not keep such records, but also because of differences in defining the problem.

The police term "domestic disturbance" is not synonymous with "wife beating." A domestic disturbance may or may not involve actual physical violence. Even agreeing on a definition of "violence" poses a problem. Police seem to think that few domestic disturbances are really violent. They tend to define violence in terms of its effect. In the absence of blood and visible injury, they are apt to discount the wife's report of her husband's brutality.

To me, any physical attack by one person upon another is a violent act and an instance of aggression. The law, however, defines violence by the degree of its severity, and social scientists tend to measure violence by the degree of its acceptance. The fact that one-fifth of American adults in a Harris poll approved of slapping one's spouse on "appropriate" occasions[1] is seen by the latter as "legitimizing" a certain amount of violence.

For our purposes marital violence will be described as "an act carried out with the intention of, or perceived intention of, physically injuring one's spouse." The act can include slapping, hitting, punching, kicking, throwing things, beating, using a weapon, choking, pushing, shoving, biting, grabbing, etc. And the cast of characters includes men and women who live together in an intimate relationship, whether or not they are legally married.

I deliberately called my book *Battered Wives* [2] to focus on marriage as the institutional source and setting in which the violence is initiated and carried out. Although many try to avoid its implications, to me marital violence cannot be fully understood without examining the institution of marriage itself as the context in which the violence takes place. The power relationship between husband and wife is culturally determined, and its imperatives necessarily affect other man-woman relationships despite attempts to avoid or escape their legalization by the marriage ceremony.

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* Author; Lecturer; Consultant with LyMar Associates; Coordinator, National Organization for Women's Task Force on Battered Women/Household Violence; Chair, San Francisco Commission on the Status of Women.

[1] Rodney Stark and James McEvoy III, "Middle-Class Violence," *Psychology Today* (November 1970), pp. 30-31.

[2] Del Martin, *Battered Wives* (San Francisco: Glide Publications, 1976).

Another problem in gathering statistics on wife beating, besides the fact that it is one of the most unreported crimes, is that language in police reports and research studies often describes assailants and victims in nonspecific terms. Gender is omitted. Although many have rebelled against feminist attempts to de-sex the language, suddenly, for some reason, it becomes the vogue when discussing domestic violence. The Kansas City, Missouri, police study of 1971–72 refers to assailants and victims without specifying either their sex or marital role.[3] And social scientists speak of "family" violence and "intrafamily" murder. It should be made clear that what we are discussing is the battering of women by the men they love and live with.

A national survey of 2,143 couples, randomly selected and demographically representative, was conducted in 1976 by Murray Straus, Suzanne Steinmetz, and Richard Gelles to measure the magnitude of marital violence. From the results Straus estimates that, of the approximately 47 million couples living together in the United States in 1975, over 1.7 million had faced a husband or wife wielding a knife or gun, well over 2 million had been beaten up by their spouse, and another 2.5 million had engaged in high-risk injury violence.[4] The findings showed a high rate of violence for wives, but the data did not indicate what proportion of violent acts committed by wives were in self-defense. Husbands showed a higher rate for the most dangerous and injurious forms of violence (beating or using a knife or gun) and for the repetitiveness of their brutal acts.[5]

Wives reportedly resort to violence mostly as a protective reaction—in self-defense or out of fear. Fighting back, they say, often results in even more severe beatings. Lenore Walker, who has isolated a "three-phase cycle" theory of marital violence, says that many wives, when they recognize the inevitability of an acute incident, may deliberately provoke it in order to get it over with and move on to the "calm, loving respite" stage that follows.[6]

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[3] Northeast Patrol Division Task Force, Kansas City Police Department, "Conflict Management: Analysis/Resolution" (original draft).

[4] Murray Straus, "Normative and Behavioral Aspects of Violence Between Spouses: Preliminary Data on a Nationally Representative USA Sample" (paper (VA-2), Department of Sociology, University of New Hampshire, Mar. 15, 1977), p. 7.

[5] Ibid., p. 11.

[6] Lenore Walker, "The Battered Women Syndrome Revisited: Psycho-social Theories" (paper presented at the American Psychological Association annual meeting, San Francisco, Calif., Aug. 29, 1977), p. 5.

The practice of wife beating, it should also be noted, crosses all boundaries of economic class, race, national origin, or educational background. It happens in the ghetto, in working class neighborhoods, in middle class homes, and in the wealthiest counties in our Nation.[7] The often held assumption that violence occurs more frequently among lower class families could be due to variations in reporting. Having fewer resources and less privacy, these families are more apt to call police or seek the services of other public agencies. Middle or upper class wives and husbands have greater access to private support services and thus are less apt to come to the attention of authorities.[8]

Women who are treated for physical injuries or for severe depression are often victims who go undetected, since they do not volunteer the information out of fear or shame, and few doctors ask. One psychiatrist, who claimed that he had never encountered a case of marital violence in his practice, was challenged to ask his next 10 female clients. Eight out of the 10 proved to be victims. Elaine Hilberman and Kit Munson, in their study of 60 women drawn from a rural health clinic, found that the history of physical abuse was known by the clinician in only 4 of the 60 cases, although most of the women and their children had received ongoing medical care at the clinic.[9]

Bruce Rounsaville of the Yale University School of Medicine's department of psychiatry, states:

> The victims of wife-battering have received little focused attention from medical and mental health professionals. Battered women present to medical facilities with vague complaints, traumatic injuries, or trouble with the children. Most often the busy practitioner deals with the presenting complaint at face value and makes few inquiries about the origin of the complaint.[10]

Unfortunately, many doctors take the position that the problem of the battered woman is out of the realm of their concern. A doctor who treats a battered woman's wounds and hands her back to her assailant may be exercising a kind of professional detachment. But he is also passing up what may be society's only contact with a lonely woman who needs help.[11]

The danger in our inability to identify victims is that violence unchecked often leads to murder. The Kansas City police study, referred to earlier, showed that 40 percent of the homicides in that city in 1971 were cases of spouse killing spouse. In 85 percent of these cases the police had been called at least once prior to the homicide, and in almost 50 percent of these cases police had been summoned five or more times within a 2-year period before the murder occurred.

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[7] Martin, pp. 11–15, 54–55.

[8] Robert N. Whitehurst, "Violence in Husband-Wife Interaction," in *Violence in the Family*, eds. Suzanne K. Steinmetz and Murray A. Straus (New York: Dodd, Mead, 1975), pp. 78–79.

[9] Elaine Hilberman and Kit Munson, "Sixty Battered Women: A Preliminary Report" (paper presented at American Psychiatric Association meeting, Toronto, Canada, May 5, 1977), p. 1.

[10] Bruce J. Rounsaville, "Battered Wives: Very Common but Difficult to Reach" (paper presented at the American Psychiatric Association meeting, Toronto, Canada, 1977).

[11] Martin, p. 128.

The husband in domestic homicides is almost as often the victim as the wife.[12] Since a woman does not have the physical strength of a man, she may—out of desperation to put a stop to the beating—pick up the nearest object and let her assailant/husband have it. The object may turn out to be a lethal weapon. In the last year the news media have reported a sizeable number of trials in which the wife murdered her husband after years of being subjected to constant beatings.

The sheer number of violent male-female relationships indicates that we would be foolhardy to regard domestic violence solely in terms of the personal interaction between the two parties involved. To understand why it is happening we must also examine the social imperatives that influence husband-wife behavior. This includes a review of the history of marriage, prevailing attitudes towards women, sex role stereotyping, the expectations versus the realities of marriage, and the response of helping agencies in times of crisis. All of these factors have a powerful influence on what we usually think of as a "private" and very "personal" relationship.

Wife beating is not a new phenomenon. It has been going on for centuries. Frederick Engels placed its beginning with the emergence of the first monogamous pairing relationship and the patriarchal social and economic system.[13] Prior to the pairing marriage, women, as the only discernible parents, were held in high esteem among the clans. The new arrangement came about because women sought protection from what Susan Brownmiller called "open season on rape"[14] and because men wanted to authenticate and guarantee their identity and rights as fathers. But the cost to women for their husbands' "protection" from other male predators came high. The new "father right" brought about the complete subjugation of one sex by the other. Although polygamy and infidelity remained men's privileges, the strictest fidelity was demanded of women, who were regarded as their husbands' property. Women were confined to certain parts of the home, isolated, guarded, and restricted from public activity. A woman was duty-bound to marry, satisfy her husband's lust, bear his children, and tend to his household. If a woman showed any signs of a will of her own, the husband was expected by both church and state to chastise her for her transgressions.

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[12] Federal Bureau of Investigation, *Uniform Crime Reports* (1973).

[13] Frederick Engels, *The Origin of Family, Private Property and the State* (Moscow: Progress, 1948), p. 42.

[14] Susan Brownmiller, *Against Our Will* (New York: Simon and Schuster, 1975), p. 16.

Women were burned at the stake under many pretexts, including scolding and nagging, refusing to have intercourse, miscarrying (even though the miscarriage was caused by a kick or a blow from the husband), and for sodomy (even though the husband who committed it was forgiven).[15] Too numerous to mention here are the worldwide accounts of the inhumane and barbarous treatment of women in the name of the law, religion, and social custom—treatment that clearly indicates how deeply entrenched sexual inequality, at the least, and woman-hating, at the extreme, is in human history.

Peter the Great instituted some reforms in Russia during the late 17th century, ordering that women be invited to public gatherings and that individual consent be required before marriage. He also gave married women the right to full ownership and control over their own property.[16] In England the law was changed in the 1800s to allow a wife who had been habitually beaten by her husband to the point of "endangering her life" to separate from him, though not to divorce him. British husbands were also prohibited from selling a wife into prostitution if she was under 16 years of age and from keeping a wife under lock and key.[17]

In our own country a husband was permitted to beat his wife so long as he did not use a switch any bigger around than his thumb.[18] In 1874 the North Carolina Supreme Court nullified the husband's right to chastise his wife "under any circumstances." But the court's ruling became ambiguous when it added, "If no permanent injury has been inflicted, nor malice, cruelty, nor dangerous violence shown by the husband, it is better to draw the curtain, shut out the public gaze, and leave the parties to forgive and forget."[19]

The latter qualifying statement has become the basis of the American legal system. Laws against assault and battery are rarely invoked against husbands because the criminal justice system (which is male dominated) and victims of domestic violence (who are primarily female) differ in their interpretations of "serious injury," "malice," "cruelty," and "danger." The police, mental health practitioners, emergency room attendants, prosecutors, and judges deal with isolated cases and the interrelationship of a particular couple. In this light it is not surprising that they tend to view wife abuse as a personal dispute in which one or both individuals are to blame. This attitude, coupled with the concept of family as the basic unit of society which must be preserved at all cost, fosters the belief that mediation or professional counseling will restore peace and harmony and thus enforcement of laws against assault and battery will serve no useful purpose.

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[15] Elizabeth Gould Davis, *The First Sex* (New York: Putnam, 1971), p. 255.

[16] William Mandel, *Soviet Women* (Garden City, N.Y.: Anchor Books, 1975), pp. 13–14.

[17] Davis, p. 311.

[18] Robert Calvert, "Criminal and Civil Liability in Husband-Wife Assaults," in *Violence in the Family,* p. 89.

[19] Ibid.

Police often say that they are called out of "vindictiveness"—that the caller tries to use the police as a counterpunch and get an authority figure to take her side in an argument. Police officers feel they have neither the time, competence, nor social mandate to deal with domestic disputes. Consequently, such calls receive a low priority. In a sample of 283 calls over a 2-month period in Vancouver, B.C., Donald Dutton and Bruce Levens found that a car was dispatched 53.8 percent of the time for man-woman fights. In only 10 percent of the cases did these calls receive priority one attention. If the caller mentioned violence, the probability of a car being dispatched went up to 58 percent. If weapons were involved, the probability went up to 67 percent; this was true also if alcohol was mentioned. If violence and children were involved, a car was dispatched 73 percent of the time. The mention of these variables improved the chances of immediate police response—a decision which was not based on the availability of police personnel or vehicles, the researchers said, because the dispatch rate did not fluctuate with the time of day or the shift.[20]

The arrest rate in this study was about 7 percent.[21] The reluctance of police to make arrests is a common complaint of the wife/victim. When a woman calls the police, it is an act of desperation. She expects immediate response and protection. At most the officer, if and when he does show up, may get the husband to leave the home for a cooling off period. Police, of course, can only make felony arrests on "probable cause" and must witness the offense in order to make an arrest for assault and battery misdemeanors.

The onus then is on the victim to make a citizen's arrest; but she may not be aware of that right, and police, because of their reluctance to interfere with marital disputes, may not inform her of her right to make the arrest herself. Additionally, she may be in a state of trauma (having just been beaten) and incapable of making that decision or fearful of reprisal if she is the one to initiate criminal proceedings against her husband. Should she be insistent upon her right to have her assailant arrested, the wife/victim is likely to be discouraged from doing so by the police.

At the training academy in Michigan officers are told to avoid arrests and to appeal to the woman's vanity. They are told to explain the whole procedure of obtaining a warrant, that she is going to have to sign it and appear in court and should consider the loss of time and court costs. Police are also told to explain that victims usually change their minds before going to court and perhaps she really ought to postpone any decision about making an arrest.[22]

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[20] Donald Dutton, "Domestic Dispute Intervention by Police," in *Report on United Way Symposium on Family Violence,* (Vancouver, B.C., March 1977), p. III–23.

[21] Ibid., p. III–24.

The training bulletin of the Oakland, California, Police Department warns of the danger to the officer if he arrests the husband, who is apt to turn on him to save face in front of his family. The bulletin also states that when no "serious" crime has been committed but one of the parties demands arrest, the officer should explain the ramifications (like loss of wages and bail procedure) and encourage the parties to reason together.[23] This policy has made the Oakland Police Department the defendant in a suit brought in Federal court by four battered women on the grounds that the nonarrest policy is a denial of their right to equal protection under the law and a breach of the duty of police to make arrests. A similar suit is pending before the Manhattan supreme court not only against the New York Police Department, but also the clerk and probation employees of the family court. This suit was brought by 12 battered women, and 59 more have filed affidavits—a clear indication that many victims would follow through on their complaints if the criminal justice system were more responsive and less obstructive in its procedures.

One incident cited in the complaint against the New York police shows clearly that even when an officer witnesses the crime and is thus authorized to make the arrest himself, he may refuse to do so. According to the complaint, the neighbors called the police and when they arrived the fight was still going on. The officers had to pry the man's fingers from around his wife's neck. The neighbors shouted, "Arrest him! He's going to kill her." But the officers shrugged, saying they could not interfere in a domestic fight, and left.

In recent years family crisis intervention training for police has been highly touted as the means and mode of handling domestic violence cases. The concept, or at least the words, sound impressive, but the effectiveness solutionwise is questionable. The officers are taught how to break up the fight, calm down the parties involved, mediate the dispute, and possibly make some referrals for counseling. While a reduction in repeat calls is attributed to this training, it may be that victims do not call back because they feel it would be useless to do so.

Most police crisis intervention training guides refer to family disputes and rarely make direct references to wife beating. I did manage to find this single example under the heading "Illustrations of Dispute Situations Involving the Use of Authority, Negotiation and Counseling Approaches": A married couple had an argument resulting in the wife's nose being broken by her husband. The officer asked the wife for her story, if she wanted her husband arrested, if she still loved her husband, and where he could find the husband. After locating the husband, the officer informed him that his wife was in pain, and asked him if he loved his wife and what had happened. He then brought the two together and asked them to talk and apologize to each other. He reminded them that their child would never forget incidents like the present one, and suggested that if one spouse began to argue, the other should remember her or his responsibilities and leave. He said that if they both acted like children there would be no one to govern their child. Reminding them that they were lucky this time—the husband had no charges brought against him; the wife had only a broken nose—the officer left."[24]

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[22] Sue Eisenberg and Patricia Micklow, "The Assaulted Wife: 'Catch 22' Revisited" (unpublished, University of Michigan, 1974), p. 112.

[23] City of Oakland Police Services, "Techniques of Dispute Intervention," Training Bulletin III-J (June 19, 1975), pp. 2-3.

The benevolent non-arrest policy might be satisfactory in some instances if the husband/assailant responded to leniency and kindness by resolving never to resort to violence again. Unfortunately the man is more apt to see this leniency as reinforcement for his abusive behavior. He quickly learns that lesser injuries, like a broken nose, are tolerated by the system and the probability of his being taken into custody is remote. In the Oakland case against the police, one complainant stated that her husband repeatedly handed her the phone and dared her to call the police, knowing full well he was safe from arrest and prosecution.

Equally disconcerting is this reference in the training guide published by the Law Enforcement Assistance Administration of the U.S. Department of Justice: "Although the prevailing American culture tolerates a minimum of physical force as a reaction to anger, such physical force is the common response among certain ethnic groups. Therefore, whether or not the use of such force can be considered serious depends in part on the cultural background of the people using it."[25] The guide goes on to say "In some cultures the dominance of the father is especially noticeable. In Puerto Rican families, for example, the need to assert masculinity ('machismo') is very important to males and taught to them early. . . ."[26]

Such an approach possibly reflects some racist assumptions. But, if indeed, some communities *are* more tolerant of wife beating, that situation is part of the problem and should not obviate enforcement of the law. The values and perceptions that become the excuse for doing nothing are those of male culture, which is, by and large, shared by male police officers. It does not necessarily reflect the perceptions of nor the acceptance by women who are victims of both the subculture and the dominant culture.

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[24] Morton Bard and Joseph Zacker, *The Police and Interpersonal Conflict* (Washington, D.C.: Police Foundation, 1976), p. 58.

[25] Morton Bard, *The Function of the Police in Crisis Intervention and Conflict Management* (Washington, D.C.: U.S. Department of Justice, Law Enforcement Assistance Administration, 1975), p. 6.9.

[26] Ibid., p. 6.10.

Much of the crisis intervention training is to teach the officers how to protect themselves—and rightfully so. The FBI statistics for 1974 show that one out of five officers killed in the line of duty died trying to break up a family fight.[27] Yet ironically, police still dismiss domestic disturbances as mere "family spats." If they are dangerous to trained police officers, they must certainly be dangerous to a defenseless woman and her children.

Male prosecutors react in much the same way as the police. District attorneys count stitches and witnesses before deciding if they have a "winning case." We challenged the district attorney in San Francisco, saying that with more practice in trying wife beating cases, his deputy prosecutors might learn how to win them. A couple of months later I received a copy of a letter addressed to the police chief in which an assistant district attorney praised the way in which the police had handled the investigation which allowed her to win her case.

The odds that a marital violence case will ever reach the courtroom are about 100 to 1, according to Sgt. Barry Whalley of the Oakland Police Department. Deputy Chief James Bannon of the Detroit Police Department said in an address before the American Bar Association in 1975:

> The attrition rate in domestic violence cases is unbelievable. In 1972, for instance, there were 4,900 assaults of this kind which had survived the screening process long enough to at least have a warrant prepared and the complainant referred to the assault and battery squad. Through the process of conciliation, complainant harassment, and prosecutor discretion fewer than 300 of these cases were ultimately tried by a court of law. And in most of these the court used the judicial process to conciliate rather than adjudicate.

Once the wife/victim reaches the courtroom she often finds that the judge is no more apt to take her case seriously and deal with it effectively. Judges, when the husband is found guilty, are likely to let him off with a warning, a suspended sentence, probation, or a small fine on his worthless promise that he won't do it again. A classic example was the case in New York City in which a woman brought charges against her former common law husband for beating her savagely on five different occasions within a year and a half. Although she had been beaten so severely that she had been hospitalized on at least two occasions, had lost an eye and part of an ear, her assailant was released each time on his promise to the judge that he would not repeat the offense.[28] The victim, I am told, finally solved the situation herself. She committed suicide.

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[27] Robert B. Murphy, Ed McKay, Jeffrey A. Schwartz, and Donald A. Liebman, "Training Patrolmen as Crisis Intervention Instructors" (unpublished), p. 1.

Although studies show that domestic violence, when it becomes an established pattern, often escalates and sometimes leads to homicide, police and others in the helping professions persist in viewing the violence as resulting from an argument or communications breakdown—a dispute that can be mediated or a problem that can be solved by teaching the woman a few communication tools. The danger is all too often overlooked. Well, not entirely. There are social scientists who are speculating on what makes the difference between the man who merely wounds his wife and the man who kills her.[29] One researcher sees the murderer as a man less experienced in violence who can go too far when he looses control. Another says that alcohol could affect his judgment of the degree of battering a woman could take without dying.

Most research into the cause of marital violence concentrates on external influences on the husband's behavior. He was under stress, he lost his job, he drank too much, his mother had an extramarital affair. Whatever the rationalization, it serves to excuse the husband's behavior and remove him from responsibility for his own acts. The reality of the wife's condition is not seen in its totality, but only in terms of what she may have said or done to provoke her husband's anger. But triggering events (she wore her hair in a pony tail, she prepared a casserole instead of fresh meat for dinner, she said she did not like the pattern on the wallpaper) are trivial in the extreme and do not warrant a violent response. As one woman expressed it, "No one has to 'provoke' a wife beater. He will strike out when he's ready and for whatever reason he has at the moment. I may be his excuse, but I have never been the reason."[30] Clinical approaches that attempt to change the wife's behavior in order to change the husband's behavior only further victimize her.

Social service agencies are no more effective than the criminal justice system in offering battered wives help and protection. They are not open at night or on weekends when the violence usually occurs. Emergency housing for women with children, until recently, was virtually nonexistent. A 1973 survey in Los Angeles showed that there were 4,000 beds available for men, but only 30 for women with children, and none for mothers with sons over 4 years of age.[31] This is an indication of how outdated our social service system is. The assumption is that men may be transient and in need of shelter, but that women always have a home—with their husbands or their parents.

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[28] Adolph W. Hart, "Thomas Promised That He Would," *New York Times*, June 10, 1975.

[29] J. J. Gayford, "Battered Wives," *Medical Science Law*, vol. 15, no. 4 (1975), pp. 243–44.

[30] Martin, p. 3.

[31] Trude Fisher, with Marion P. Winston, "The Grim Plight of Destitute Mothers Who Need Free Rooms on a Stormy Night," *Los Angeles Times*, Mar. 12, 1973, part II, p. 7.

A woman who flees from a violent home in the middle of the night is usually without funds and has only the clothes on her back. If she seeks welfare, she may be turned down because her husband's salary disqualifies her. Unless she has filed for divorce or has established separate maintenance, technically she is neither homeless nor destitute. In St. Louis, Missouri, I am told, it takes from 4 to 6 weeks for the first welfare check to come, during which time the woman must have established a permanent residence, been cleared by a social worker who makes a home visit, and provided the department of social services with proof of birth and social security numbers for herself and her children. To rent a place the woman needs money, and rent vouchers are difficult to obtain. If she is lucky enough to get one, however, she finds that most landlords will not accept rent vouchers. They want cash on the line. Without a place to go or means of support until she can become independent, the wife/victim is often forced to return to her violent husband.

A study of 100 battered wives in England revealed that 89 had fled their homes, 36 having fled 4 or more times, and some having left 10 or even 20 times.[32] They had returned home because: (1) they were found by their husbands who either threatened them with further abuse or promised to reform, or (2) none of the agencies they turned to for help could offer them protection or a roof over their heads. Also, many of the women married right out of high school, and had no job experience or marketable skills.

If a woman does manage to get away and obtains a divorce, she still has no guarantee of safety. Some ex-husbands continue to stalk and hunt down "their" women for years after a divorce, forcing their victims to move and change jobs continually. Despite the danger, judges continue to grant violent fathers visitation rights, and thus the opportunity to further intimidate their ex-wives.

When a woman concludes that her husband is not going to change and that she has no alternative but to leave him, she is forced to face the cold, hard facts of the poverty of her existence. How is she going to support herself and her children? Even if she had worked before marrying, her lack of recent references counts against her. In all likelihood she will have to take a menial job at low pay to reestablish herself as a member of the work force. Discrimination against women in employment often precludes her from advancement in position and salary.

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[32] J. J. Gayford, "Wife Battering: A Preliminary Survey of 100 Cases," *British Medical Journal* (Jan. 25, 1975), pp. 194–97.

It is often said that a wife is one man away from welfare. Despite myths to the contrary, studies show that alimony is rarely awarded and most fathers do not even make child support payments as ordered by the court. In the first year after divorce, 62 percent fail to comply fully, and 42 percent do not even make a single payment. By the 10th year, 79 percent are in total noncompliance.[33] Without child support or child care, the divorced working mother may find that her "take home pay" is less than the minimal subsistence offered by welfare.

Instead of asking the all too frequent question, "Why does a woman stay in a violent marriage?" we should be asking, "What is it about marriage and society that keeps a woman captive in a violent marriage?" I have already alluded to historical attitudes toward wives as property of their husbands, to acceptance of lesser violence, like slapping, as "legitimate," and to public agency policy which offers victims no alternative. But the basic problem, as I see it, is the institution of marriage itself and the way in which women and men are socialized to act out dominant-submissive roles that in and of themselves invite abuse. Husband/assailants and wife/victims are merely the actors in the script that society has written for them.

Battered women are often perceived as somehow provoking their husbands to violence in order to fulfill a basic female masochistic need. Such theories evolve from the patriarchal structure of our society, in which the dominant group (men) defines acceptable roles for subordinates (women). The superior role of men is maintained by definition of "masculinity" as strong, active, rational, aggressive, and authoritarian and "femininity" as submissive, passive, dependent, weak, and masochistic. These roles are incorporated into the culture by its philosophy, science, social and psychological theory, morality, and law. The inequality of the roles is obscured by calling them "natural" or "normal" and by training women to dependency upon men in order to maintain the nuclear family as the basic unit of society. Women have been socialized to believe that their greatest achievement in life is marriage and motherhood and that failure of the marriage is the wife's personal failure. If the woman adopts the characteristics and role assigned to her, adapts to her husband's personality and submerges her own, she is called "normal" and "feminine." This was emphasized in the Broverman study in which professional therapists were asked to describe typical male and female behavior and to indicate what is normal adult behavior (sex unspecified). Not surprisingly, they described male and female behavior in stereotypical terms and equated the normal adult with accepted male characteristics.[34] Ruth Pancoast and Lynda Weston point out that men experience no dichotomy between adulthood and manhood because society says the two are identical. But the woman who tries to be a healthy adult does so at the expense of being "feminine," and a woman who adjusts to her "normal" role does so at the expense of being a healthy adult. Society has then constructed a "no-win" situation for women.[35]

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[33] Lenore J. Weitzman, "Legal Regulations of Marriage: Tradition and Change," *California Law Review*, vol. 62, no. 4 (July-September 1974), p. 1195.

Andrea Dworkin says,

> There are two definitions of woman. There is the good woman. She is a victim. There is the bad woman. She must be destroyed. The good woman must be possessed. . . .The bad woman must be punished, and if she is punished enough, she will become good. . . .The posture of victimization, the passivity of the victim demands abuse. Women strive for passivity, because women want to be good. The abuse evoked by that passivity convinces women that they are bad. The bad need to be punished, destroyed, so that they can become good. Even a woman who strives conscientiously for passivity sometimes does something. That she acts at all provokes abuse.[36]

In other words, the woman who is "feminine" (passive) becomes a doormat that invites abuse, and the woman who is active ("masculine") needs to be put in her place. Whatever she does or does not do, she invites abuse.

The male, on the other hand, Dworkin says, is always a good man. "He is the patriarch, and as such he is beyond moral law and human decency." All malice originates with the woman, and "men are always good, no matter what they do, or do not do."[37]

By cultural definition and societal role, the good man is in control. When he loses control, or perceives that he is losing control, he is expected to regain and maintain it by whatever means necessary. The husband's authority in the home is reinforced by all of society's institutions: by religious marriage vows that commit the wife to love, honor and *obey* her husband or suffer the consequences, by the Internal Revenue Service that designates the husband as the head of household, by the courts that impose certain roles (the husband as breadwinner and provider and the wife as his domestic servant), by the schools that foster differential potential and achievement according to the gender of the students.

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[34] I. K. Broverman, D. M. Broverman, R. Clarkson, P. Rosenkrantz, and S. Vogel, "Sex Role Stereotypes and Clinical Judgments of Mental Health," *Journal of Consulting Psychiatry* (1964).

[35] Ruth Dreiblatt Pancoast and Lynda Martin Weston, "Feminist Psycho-therapy: A Method for Fighting Social Control of Women" (position paper of Feminist Counseling Collective, Washington, D.C., February 1974), p. 7.

[36] Andrea Dworkin, *Woman Hating* (New York: E.P. Dutton, 1974), p. 48.

[37] Ibid., p. 45.

Though we may try to deny it, the feudal system of marriage of early times is still existent today. Aaron Rutledge says, "Despite the age of jets and satellites, some people try to get by on a horse-and-buggy marriage. . . .Individuals who would not tolerate a feudal society still insist upon an owner-tenant type of family structure."[38] The master-serf type of family is characterized by the husband/father as head of household who, as the breadwinner, gives his wife and children what they need, as he defines their needs. This "stay-in-your-place" family depends upon each member following preconceived roles and respecting the authority of the husband/father, who metes out punishment when the wife or children get out of line.

In early English common law husband and wife were considered one person: "The very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband, under whose wing, protection, and cover she performs everything."[39] A 1944 Florida Supreme Court decision verified that a woman's legal status in the 20th century is no different: "A woman's responsibilities and faculties remain intact from age of maturity until she finds her mate; whereupon incompetency seizes her and she needs protection in an extreme degree. Upon the advent of widowhood she is reinstated with all her capabilities which had been dormant during marriage, only to lose them again upon remarriage."[40]

In many States the husband has exclusive authority over "community" property, including all the wife's earnings, and can dissipate the family assets without the wife's prior knowledge or consent. The wife is at the mercy of her husband, whom the State presumes to be a benevolent despot. If he decides to give her no money and refuses to buy her clothing, she has no legal recourse. In 1953 a Nebraska court ruled: "The living standards of a family are a matter of concern to the household. . . .As long as the home is maintained and the parties are living as husband and wife it may be said that the husband is legally supporting his wife and the purpose of the marriage relation is being carried out."[41] The 1962 ruling of a Connecticut court was even more explicit about the wife's obligation to her husband "to be his helpmeet, to love and care for him in sickness, and to labor faithfully to advance his interests." She must also perform "her household and domestic duties. . .without compensation thereof. A husband is entitled to benefit of his wife's industry and economy."[42]

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[38] Aaron L. Rutledge, "The Feudal System of Marriage," *San Francisco Chronicle*, May 25, 1977.
[39] W. Blackstone, *Commentaries* (1765), p. 442.
[40] Karen De Crow, *Sexist Justice* (New York: Random House, 1974), p. 169.
[41] Ibid., pp. 164–65.
[42] Weitzman, p. 1187.

In marriage the woman loses her personhood and is identified in terms of her husband. With few exceptions, she takes her husband's name and his domicile. Her labor is a duty to be performed without value or compensation. Since the wages her husband earns belong to *him,* she is totally dependent upon his whim or generosity—a situation that leaves the wife vulnerable to abuse.

Needless to say, the expectations women have about marriage differ significantly from the reality of the marriage contract, which Lenore Weitzman points out is unlike most contracts. Its provisions are unwritten, its penalties unspecified, and its terms are unknown to the contracting parties, who are not allowed any options to its terms.[43] A study conducted by Hernan San Martin in Chile on the reasons women and men marry showed that the women's chief motive stemmed from the desire to get out from under parental control and *be free.* They also married because of the consequences of not marrying. The reasons men gave for marrying were more in keeping with patriarchal imperatives: that marriage should incorporate fatherhood and provide the man with a "companion" to do the housework, take care of his sexual needs, and look after the children.[44]

Adherence to so-called "natural" and stereotypical sex roles and their enforcement by legal and social sanctions obscures the fact that patriarchal society depends upon the subjugation and control of women and uses marriage as a routine means of enforcement. Dworkin defines the nuclear family as the nuclear structure of sexist culture.[45] And it is my contention that the husband-over-wife power relationship must be realized as economically, not psychologically or biologically, based if we are to find any longlasting solutions to marital violence. Manifestations of psychological warfare and violence are reactions to the economic system that socializes men to be powerful and women to be dependent.

Reverend Donald Morlan, who appeared on a panel on "Why Do Men Batter?" at a conference on battered women sponsored by the American Friends Service Committee in New York City, stated that separating out "battering men" from so-called "normal men" is to disregard the fact that virtually *all* men are angry at women and that a batterer is acting out an extreme of what most men feel, at least part of the time. He posed the question "Why are men angry at women?" to quite a few people and found them changing the question to "Why are we all angry?" or "Why are women angry at men?" Some asserted that men are angry at women only because women are so angry at men:

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[43] Ibid., p. 1170.

[44] Hernan San Martin, "Machismo: Latin America's Myth-Cult of Male Supremacy," *Unesco Courier* (March 1975), p. 31.

[45] Dworkin, p. 46.

that male anger is only defensive or responsive, but not an original anger. Everyone seemed to dodge the issue of men's anger towards women, which Morlan attributes to the restriction of men's emotional life and intimacy only with women, socialization of boys to repress emotion and exercise power, and to men's sense of failure when they find they cannot live up to society's image of masculinity. Morlan said, "Given the few number of men who really get to exercise power and the fact that we are all socialized to be powerful, there are a lot of us walking around who are like pent-up volcanoes." He concluded:

> Our present economic system requires its quota of failures to keep us all obediently in our particular assembly line working hard and grumbling little. . . .Men will be angry and find their anger channeled against women as long as all of us shackle our physical and emotional lives to an economic system which values impersonal profits more than whole persons.[44]

What can be done to alter this collision course between men and women? Family crisis intervention training, victim-witness advocacy programs, emergency hotlines, shelters for battered women and their children, and couples therapy are all services that have recently been developed to deal with the immediate crisis. The shelter network, established by grassroots women's groups with its "underground railway" by which battered women can be transported from one State to another, affords the only real protection to the victim. The other measures may stop a particular incident and postpone or reduce further violence, but do not prevent its recurrence. As such they are stop-gap, band-aid measures.

The fact remains that wife beating is a crime. Because of pressure from the women's movement, which has made violent crimes against women a top priority issue, considerable attention has been given to strengthening the law and its enforcement. Many States have dropped the requirement that a woman must be legally married and have filed for divorce or separation in order to qualify for an order of protection. Some States have made provisions for removal of the assailant from the home. In California violation of a court order is itself a crime, and arrest can be made, bypassing the civil procedure which is cumbersome and time consuming.

In Oregon the law has been changed to make arrest mandatory, unless the victim objects, if the officer has probable cause to believe that an assault has occurred between spouses or that one such person has placed the other in fear of imminent serious bodily injury. Accordingly, the Portland Police Bureau is to ask the victim, out of the assailant's presence, whether the victim objects to having the suspect taken into custody. If the victim objects, the officer is told that he may or may not take the assailant into custody at his discretion.[47]

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[44] Donald W. Morlan, "Why Are Men Angry at Women?" The Battered Women Conference Report, American Friends Service Committee (New York, 1977), pp. 16–17.

The International Association of Chiefs of Police, which had previously supported the family crisis intervention policy of nonarrest, issued training keys numbers 245 and 246 in 1976 reiterating that wife beating should be treated as a crime to be investigated and reported. The training keys also stated that unless the police do their job, despite protests from prosecutors and judges about crowded court calendars nothing will change. In Ohio a bill has been introduced to make a second offense of wife battering a felony rather than a misdemeanor so that police can make arrests for "probable cause," relieving the victim from responsibility for initiating criminal proceedings.

An innovative judge in Hammond, Indiana, has named the wife/victim her husband's probation officer. The rationale is that the man won't hesitate to beat up his wife, but he might think twice about beating up an officer of the court. If the husband should beat his wife anyway, she may call the judge at any time of the day, at work or at home, and he will issue a warrant for his arrest.[48]

In Milwaukee, Wisconsin, a "first offender" is required to participate in a treatment program or face prosecution. The district attorney warns him that although the incident will be held confidential, the charge will also be held open. A recurrence of the violence results in *two* charges of battery, arrest, and advice to the court that the man had already been given informal probation. Additionally, when a case is set for trial and the woman is under continuing threat of violence, the sheriff's department will provide her with 24-hour protection.[49]

This program seems to be one of the most effective deterrents for first offenders and does take into account necessary safety precautions. The problem has been that most batterers do not seek help voluntarily. Those that have agreed to marital counseling because their wives have threatened to leave them for good tend to reform while undergoing therapy, only to return to their former habits of violent outburst when the sessions end or their wives return home. Long-lasting effects are doubtful if therapy is mandated rather than accepted freely. It is therefore incumbent upon those administering the Milwaukee program to monitor the therapeutic process.

I am reminded of the Framingham Court Clinic in Massachusetts to which 37 men charged by their wives with assault and battery from 1957 to 1962 were referred for psychiatric evaluation and treatment.

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[47] Portland Police Bureau, Training Bulletin, vol. XIII, no. 19 (Oct. 5, 1977).

[48] Lawrence Van Gelder, "Giving Battered Wives a Little Legal Clout," *New York Times*, Nov. 13, 1976.

[49] "Needs of Battered Women Receive Special Attention from Milwaukee DA's Office," *Response*, vol. 1, no. 3 (February 1977), pp. 1–2.

The men resisted the psychiatric interviews and tended to deny that any problems warranting outside help existed in their marriages. The doctors took the easy way out and counseled their wives instead.[80]

In Minnesota a bill was passed allocating $600,000 for use in counteracting domestic violence: $100,000 for a displaced homemakers program, $50,000 for public education about violence in the home, and the balance for refuges for battered women and their children. And in West Virginia welfare regulations were recently modified to allow immediate emergency funds for battered women.

Some see therapy rather than law as a solution to marital violence. But psychotherapy is largely based upon patriarchal assumptions. Dorothy Tennov believes that the bulk of women "patients" are not mentally ill, but are afflicted rather with what she calls "the women's situation" in our society.[81] Wife beating, as we have seen, is a traditional practice that has been exacerbated by traditional attitudes and institutions. Traditional therapy is steeped in sex role stereotyping, and reconciliation or "rehabilitation of the family" is seen as the primary goal. Domestic violence statistics indicate, however, that separation or divorce may better serve as a safety valve. Moreover, so far as wife/victims are concerned it is becoming more and more apparent that what they really need is advocacy: first of all, someone to listen nonjudgmentally; secondly, assurance and support; third, someone to help them through the bureaucratic maze of the legal and social services.

Marya Grambs, co-founder of La Casa de las Madres, the shelter for battered women in San Francisco, says that one-to-one therapy is not appropriate treatment for victims. She also claims that intervention by a male therapist, whose authority in the therapeutic process duplicates the power relationship of husband and wife, continues the cycle of the woman's dependency on men. What is needed, she says, is to help the victim make connections with other women and reduce her isolation. Peer group counseling, sharing with other women who have suffered the same experience, is most effective. Some of the best therapy, Grambs says, takes place in the shelter while doing dishes or during midnight raps. The function of the workers at La Casa, who call themselves advocates, is to help the women take power over their lives—to become strong, self-confident, and independent.

To make her point at a conference on marital violence at Stanford University, Grambs directed these questions to the women in the audience:

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[80] John E. Snell, Richard J. Rosenwald, and Ames Robey, "The Wifebeater's Wife," *Archives of General Psychiatry*, vol. 11 (August 1964), pp. 107–112.

[81] Dorothy Tennov, *Psychotherapy: The Hazardous Cure* (New York: Anchor Books, 1976), p. xiii.

> Have you ever backed down from an argument with a man because you felt intimidated by him? Have you ever stayed in a relationship longer than you should have? Was it because of a sense of failure on your part? Or a feeling of responsibility for the other person? Did you stay because of the children? Were you afraid of loneliness? Were you fearful of your ability to make it in the big, bad world? Get in touch with those feelings.

At the same conference Delores Jiminez, clinical psychologist with the California Department of Health, agreed that battered women do not need to be in therapy.

> What they need is a friend or neighbor, someone who listens and cares. . . .Most people are insensitive to the emotional trauma the woman is going through. . .and underestimate the amount of fear involved. Fear immobilizes and often restricts the woman from reaching out for help.

Women have been developing their own support systems for victims based upon the concept of women helping women. Besides hotlines, response to the immediate crisis, emergency shelters, legal aid, and other referrals, these women provide consciousness raising, assertiveness training, self-defense, and feminist therapy—if indeed therapy is called for. The support group works to explore what part is the woman's responsibility and what is imposed on her by society. The wife/victim becomes aware of the options open to her, knowing that whatever she chooses she will have the support of the other women.

What we also need are counterpart programs conducted by men, who are liberated enough to have no need to prove their manhood, to work with battering husbands in much the same way as women are helping wife/victims. If men would stop making jokes about wife beating, if they would let batterers know in no uncertain terms that violence is not acceptable male behavior, if men would offer husband/offenders peer support and programs to help them change their destructive patterns—we would move a lot faster towards ending marital violence.

Barry Shapiro of the East Bay Men's Center in Berkeley, California, says that his and other men's groups affiliated with the National Conference on Men and Masculinity are considering the formation of such programs. The Men's Center in Portland, Oregon, is already offering counseling services to batterers. It is hoped that these men's groups will help to break down the impossible image of masculinity which dooms men to feelings of frustration and rage, and puts women in the role of their projection targets. Men need to learn that it is all right to be vulnerable if they are ever going to be comfortable with their own unique mixtures of strength and weakness.

But coping with man-woman anger and hostility as it erupts is not enough. At the same time we need to deal with problems inherent in the institution of marriage itself and the economic and social structure of the society that creates, harbors, and festers the hostility between the sexes. Monogamous marriage—or serial monogamy, at any rate—is still the accepted and expected relationship. While the divorce rate today is very high, the remarriage rate is also high.

Historically, marriage has four main functions: (1) reproduction and guarantee of the father right; (2) economic provision for family members by the husband/father, who is designated head of household; (3) care of children and household maintenance by the wife/mother in return for bed and board; and (4) psychological security and social acceptance within society so long as the marriage remains intact. Survival needs, the need for a recognized position and status in society, and stigmatization of unmarried women have been compelling reasons for keeping battered wives silenced and locked in violent marriages.

The real problem with existing marriage and divorce law, according to Weitzman, is that it favors "structure, stability and security to the exclusion of flexibility, change and individual freedom."[52] Roles which the courts presently demand of husbands and wives are rigid, archaic, and arbitrary. They stem from material considerations and disregard personal ones. The acting out of these roles (authoritarian husband and servile wife) and the imbalance of power they represent are largely responsible for marital conflict. Balance of power has long been a principle of international relations to prevent strong industrialized nations from taking over or victimizing weaker underdeveloped countries and to stave off war. By analogy, creating a balance of power—both economic and social—between marital partners could be the means of preventing one sex from taking advantage of the other and preventing the violence this imbalance provokes.

Seen in this light, marriage would be a partnership—an egalitarian relationship—in which both husband and wife have equal ownership and share management and control of the income, assets, and liabilities. To effect such a partnership marriage laws would have to be refined to allow the individuals involved to determine and agree upon their own roles and living arrangements according to their own particular needs and lifestyle. These agreements should not be the business of the State; the State's only interest should be to adjudicate disagreements.

"A man and woman could decide, in advance, on the duration and terms of their relationship, as well as conditions for its dissolution," Weitzman points out. "They could specify their respective rights and obligations for the financial aspects of marriage (support, living expenses, property, debts, etc.) as well as those for their more personal relations (such as responsibility for birth control, the division of household tasks, child care responsibilities). Further, they could make some decisions before entering the relationship while reserving others for later (such as domicile changes). They could also specify the process of making a later decision such as an agreement to use an arbitrator in the event of disputes."[53]

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[52] Weitzman, p. 1277.

Whether these be contracts within or in lieu of marriage, the couple could decide if they wanted to take turns working full time, or they could both work part time, allowing them to share necessary household chores and caring for the children. As Morlan says, "We need to stop being just Mothered and start being Parented from the moment of birth. All of us need a bisexual emotional foundation."[54]

One standard provision, without any option, which I would like to see written into every marriage contract is the restraining order. It should be built into the contract so that is is clearly understood by both parties at the outset that violence will not be tolerated and the restraining order will take effect immediately upon the first violation.

Allowing couples to draw up their own marriage contracts and to exercise options, of course, requires many changes: ratification of the equal rights amendment; passage of the Humphrey-Hawkins Full Employment Act, based on the principle that employment should be available to *all* adults able and willing to work at fair rates of compensation; enforcement of "equal pay for equal work" laws and antidiscrimination employment policies; legislation to create part-time work, flexible work schedules, and shared jobs in civil service and education of the private sector to understand the advantages and value of such work flexibility; and provisions for on-the-job or community child care centers so that single-parent heads of household can earn a living wage and extricate themselves from the welfare system.

The more traditional marriage—having one partner remain in the home and take care of the household, while the other works—should not be precluded as an option. But provisions should be made to protect the homemaker economically in the event of dissolution by social security coverage, divorce insurance, or such programs as the Displaced Homemakers Act, which provides for job counseling, training, and placement for the woman reentering the work force. Child support orders should have cost-of-living escalation clauses and should be backed up by Federal legislation enabling Social Security and Internal Revenue Service to locate missing spouses who renege on their payments.

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[53] Ibid., p. 1249.

[54] Morlan, "Why Are Men Angry at Women?"

Because laws relating to marriage, family, and divorce differ so greatly from State to State, there have been many suggestions that what we need is a Federal Uniform Family Law Act. In light of the prevalence of domestic violence, perhaps the time has come to consider seriously such a move in order to protect the homemaker both physically and economically.

These may sound like radical changes, but they really are not. Some of them are already in process or are under consideration. Although individual marriage contracts have yet to be legalized, a few couples are already drawing up their own contracts. In some instances the courts have honored some of the provisions of such contracts, the chief objection being the provisions that apply in the event of dissolution. Legislation to alter inequities in our economy has already been introduced, and some attention is being paid to revisions of family law. What we are faced with is cultural lag and the resistance of bureaucratic institutions to social change.

The long range task, of course, is that of education and the elimination of sexism. The British Select Committee on Violence in Marriage, appointed by the House of Commons in its 1974–75 session, made the following recommendation:

> Much more serious attention should be given within our school (and further education) system to the problems of domestic conflict. It may be that traditional domestic science, which has been amplified in recent years by more realistic sexual education, should now further develop to include study of roles of the partners in marriage, and their relationship with their children. We would particularly like to see formal instruction about the law surrounding family life, especially that relating to marriage, and instruction given about the value and use of social services."[55]

Family life classes are conducted in our own country in secondary schools when it is too late—after sexist patterns of behavior have already been firmly established. Tests given to children in kindergarten by Harvard psychologist Marcia Guttentag and a research team revealed that by the age of 5 most children are ripe old sexists. Children of all social classes and economic backgrounds held to the stereotypes of which jobs were for men and which for women, though the boys were more restricted in their opinions of the capabilities of women. This was true whether the boys had working or nonworking mothers. The strongest influences in shaping sexist attitudes, the researchers felt, were television and their peers. Efforts to broaden the children's views of sex roles were more successful with the girls than the boys. The girls were consistently more ready to accept the ideas that women could enter a wide variety of jobs, and combine work and family. Boys saw that men have more power and that with power they could have their own way.[56] Thus it would appear that nonsexist education must begin in preschool years.

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[55] Report from the Select Committee on Violence in Marriage (London: Her Majesty's Stationery Office, 1975), p. ix.

Another study of 15 preschool classrooms by Lisa A. Serbin and K. Donald O'Leary revealed, however, that teachers act and react quite differently with boys and girls, thereby subtly encouraging sex role behavioral patterns.[57] The same is true, of course, with parents who from the beginning treat and handle boy babies quite differently from girl babies.

The role of sexism in the etiology of marital violence must become part of any public education program. Clearly the problem of domestic violence cannot be solved without addressing the economics of marriage or without revolutionary changes in attitudes towards the roles of women and men in our society. Without such changes we cannot ensure women "equal protection under the law," and without such protection wives will remain vulnerable to their husband's abuse.

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[56] Carol Tavis, "It's Tough to Nip Sexism in the Bud," *Psychology Today* (December 1975), pp. 58, 102.

[57] Lisa A. Serbin and K. Daniel O'Leary, "How Nursery Schools Teach Girls to Shut Up," *Psychology Today* (December 1975), pp. 57–58, 102–103.

Wife Beating: Government Intervention Policies and Practices

by Marjory D. Fields*

Wife beating is a civil rights problem of enormous magnitude. It is a crime that has been hidden by ignorance and social attitude. Society has viewed what happens between spouses as consensual, permissible, and private. Negative perceptions of women by both men and women have resulted in tolerance of wife beating. As the values that condone violence in the home change, and the seriousness and extent of wife beating are recognized, solutions will emerge. This is a discussion of the legal problems facing battered women and some suggestions for providing relief.

Wife beating is physical abuse of a woman by her present or former husband or male companion. It consists of repeated blows inflicted with intent to do harm. Threats and verbal abuse that were preceded by beating are part of a pattern of control of a wife by her husband that is basic to wife beating. It is more serious than a mere dispute.

The term "battered wife" used here includes any woman assaulted or threatened by a man with whom she has been intimate or to whom she is or was married. A battered wife is uniquely dependent upon her attacker. She is bound to him legally, financially, and emotionally. Typically, battered wives feel powerless to change their victimized condition. They are filled with self-blame, believing that their actions have caused the beatings they suffer. Battered wives are trapped by an unresponsive legal system that effectively leaves them remediless against the men who seek to control them. Their plight is worse than that of rape victims because battered wives are compelled to continue living with their abusers.

The legal system fails to protect battered wives from illegal attacks by their husbands. It is assumed that the battered wife is the guilty party, who has provoked, deserved, and wanted the beating. Having no recourse under the law, the battered wife is therefore forced to flee and hide for her safety. As a result she is deprived of her liberty and property without due process of law. The offender is left at liberty in the comfort of his home and friends, his acts of violence not only excused and forgiven, but also condoned and reinforced. As a class, battered women are denied the protections afforded other victims of crime. They are discriminated against by police, prosecutors, and judges. As women victims of crime, battered wives are not believed. The statements of their husbands or male companions are given presumptive credibility. Finally, battered wives are expected to keep their feelings and opinions to themselves and to accept their husbands' abuse. Thus, battered wives are denied the civil rights and civil liberties guaranteed to all citizens by the Constitution.

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Police

The police are the most important component in the criminal justice system's response to family violence. They are the only institution capable of providing immediate, lifesaving protection. Those endangered by the conduct of a spouse or companion, therefore, turn first to the police for help. Police agencies, however, traditionally have viewed family problems as noncriminal "disputes" or "disturbances," essentially verbal in nature, not serious, and causing no one injury.[1] The pervasive attitude among police officers is that family calls are not part of the real police function of maintaining order.[2]

Raymond I. Parnas studied the Chicago police response to domestic "disturbances" in 1967. He analyzed department documents and observed police officers on duty.[3] He found that Chicago Police Department recruit training totaled 490 hours, of which less than 1 hour was devoted to domestic disturbance calls. This training stressed the danger to the responding officer only.[4] There was no official formulation of policy or practice for response to family disturbance calls, in spite of the fact that these calls comprised half of all calls for police assistance. ". . .[P]ractically no attention, either within or without the police department has been directed toward this problem."[5] Yet there was a consistent pattern of nonarrest, adjustment, and referral based on police officer patrol experience. Parnas called this practice the police "support function."[6]

> In exercising the support function—the use of alternatives other than arrest in *aid* of *both* disputants—it is uncertain whether this police response is a recognition of the underlying value of

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[1] New York City Police Department, ("NYCPD") *Police Student's Guide—Social Science,* VIII-41 (undated, hereafter "NYCPD, *Police Student's Guide* "); Parnas, "The Police Response to the Domestic Disturbance," 1967 *Wis. L. Rev.* 914, 915, 930 (hereafter 1967 *Wis. L. Rev.*).

[2] Parnas, 1967 *Wis. L. Rev.* 915, 956; Parnas, Police Discretion and Diversion of Incidents of Intra-Family Violence," 36 *L. & Contemp. Prob.* 539, 542–43 (1971); International Association of Chiefs of Police, Inc., *Police Reference Notebook,* "Unit 4A5, Disorderly Conduct and Domestic Complaints, Handling Domestic Complaints," (2d ed., undated, 1969, hereafter "Police Chief's *Reference Notebook* "); Bard, *Family Crisis Intervention: From Concept to Implementation* 4, 7 (December 1973, U.S. Dept. of Justice, National Institute of Law Enforcement and Criminal Justice).

[3] Parnas, 1967, *Wis. L. Rev.* 915, n. 4.

[4] *Id.* 916–20.

[5] *Id.* 916.

[6] *Id.* 915–16, 929–37.

> preserving the private, personal, intimate, or family integrity of the disputants, or whether their response results from an awareness of the practical difficulties [time lost for numerous court appearances in which complainant withdraws] inherent in either a full-enforcement or no-response approach to the domestic disturbance. Policy statements and the comments of a majority of the officers interviewed generally emphasized the practical difficulties involved. . . .Practical and value-oriented approaches to dealing with domestic disturbances lead in the direction of adjustment rather than arrest.[7]

Even though the Chicago Police Department had a policy that all calls in which "contact" was made should be classified by dispatchers as "batteries," and those in which no contact had been made classified as "disturbances," in practice *all* domestic disputes were classified as disturbances. Dispatchers failed to obtain sufficient information to adequately set a priority level, or to inform the responding patrolman of danger from the presence of weapons. As soon as they determined that an intrafamily problem was the reason for the call, no questions were asked and the incident was classified a "domestic disturbance."[8]

Parnas concluded that the ad hoc response was inadequate to provide meaningful aid to the distressed family members and resulted in many police officer injuries and deaths.[9] He advocated institutionalizing the police officer's support-social work function through official department policy and coordination with courts and social agencies.[10] Parnas reasoned that primary responsibility for more effective response to family disputes rested with the police because they were usually the first agency to have contact with the troubled family.[11]

At the same time that Parnas was proposing development and formalization of the police support function, Morton Bard was presenting the concept of police officers as community mental health workers.[12] Both Parnas and Bard advocated psychology training for police officers to enhance their spontaneous adjustment and referral work, and to reduce line-of-duty deaths and injuries occurring during responses to domestic disturbance calls.[13] The International Association of Chiefs of Police also expressed concern over the high proportion of police deaths and injuries while handling disturbance calls. The association cited the 1963 Uniform Crime Reports datum that during the 3-year period 1960–63, 21 percent of the total number of police officers killed in the line of duty died while handling disturbance calls.[14] This pattern of police line-of-duty death and injury continues. In the period 1971–75, 106 officers were killed responding to disturbance calls. During this same period, 129 officers were killed responding to robberies in progress, and 130 were killed attempting other arrests.[15]

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[7] *Id.* 955; Field and Field, "Marital Violence and the Criminal Process: Neither Justice Nor Peace," 47 *Social Service Rev.* 221, 228–30 (1973) (hereafter "47 *Social Service Rev.* ").

[8] Parnas, 1967 *Wis. L. Rev.* 928.

[9] *Id.* 920, 955–60.

[10] *Id.* 956–59.

[11] *Id.* 960.

[12] Bard and Berkowitz, "Training Police as Specialists in Family Crisis Intervention: A Community Psychology Action," 3 *Community Mental Health J.* 315–17 (1967).

[13] Parnas, 1967 *Wis. L. Rev.* 955–60; Bard, "Alternatives to Traditional Law Enforcement," *Police* Nov.-Dec. 1970, 20–23, (hereafter " *Police* Nov.-Dec. 1970." Reprinted in Karten, Cook, and Lacey, eds., *Psychology and the Problems of Society* 128–32 (1970)); Bard "Extending Psychology's Impact Through Existing Community Institutions," 24 *Amer. Psychologist* 610–12 (1969, hereafter "24 *Amer. Psychologist* ").

In response to the need for improved handling of disturbance calls, police departments, with the support of the Federal Law Enforcement Assistance Administration, began model programs with goals of developing policies and improving training. One of the most well-known projects was the Family Crisis Intervention Unit of the 30th Precinct in New York City, established by Morton Bard in 1967. Nine black and nine white police officers working in biracial teams received intensive training in psychology prior to their assignment. They performed their usual patrol duties, but were dispatched to family disturbances regardless of their location within the precinct. There was one team on duty during each 8-hour tour. Records were kept of each response by the unit so that all members of the team could act consistently. Weekly individual consultations and group discussions were held with psychologists at the City University. The unit mediated family disputes and made referrals for medical, psychological, and social work assistance from a resource list compiled and updated by the officers themselves. The referrals were followed up by the team.[16]

In 2 years the Family Crisis Intervention Unit processed 1,400 calls involving 962 families. The project was deemed successful by its formulators because there were no homicides in the families aided by the unit and no injuries to the policemen of the unit.[17] During the period of the Family Crisis Intervention Unit experiment, two other patrolmen of the 30th Precinct and one patrolman of the neighboring control precinct were injured intervening in family disputes.[18]

The policies that emerged based on the Parnas and Bard studies and projects reinforced the nonarrest practices of police officers by making them the officially preferred course of action. The training materials published during the period 1969–76 stressed adjustment through mediation and referral as the proper response to family disputes. They minimized the seriousness of family disturbances for the participants while emphasizing the danger to responding police officers. Police recruits were taught that:

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[14] Police Chief's *Reference Notebook* 1.

[15] U.S. Dept. of Justice, Federal Bureau of Investigation, *1975 Uniform Crime Reports* 225–26 (hereafter "1975 *Uniform Crime Reports*").

[16] Bard, *Training Police as Specialists in Family Crisis Intervention, passim* (May 1970, LEAA).

[17] Bard, *Police*, Nov.-Dec. 1970, 21–22; Bard, 24 *Amer. Psychologist* 611.

[18] Field and Field, 47 *Social Service Rev.* 237.

> . . .the police officer who deals with family stress must be able to do more than arrest the disputants. . . .He must seek to prevent, as well as to refer. . . .The intervening officer should provide alternative courses of action for the involved parties by making intelligent appraisals and useful referrals.[19]

Training publications stressed that arrests were the last resort even when responding to violent family disputes.[20] The officer was instructed to stop the violence, separate the parties, keep his partner in sight, watch for possible weapons, render first aid, evaluate the emotional condition of the "disputants, and

> *Make a summary arrest, if necessary.* Take all factors into consideration before making arrest (last resort) sometimes arrest may add to problems instead of alleviating situation, i.e., family fight over money, father arrested and family loses his wages.[21]

Arrest is repeatedly presented as counterproductive.

> Ramifications of arrest procedure:
>
> (a) may be detrimental to resolution of the problem at hand (for family)
> (b) complainant may be seeking outlet for emotions (recognize)
> (c) Loss of breadwinner—if jailed
> (d) Adverse effect on children
> (e) Possible irreparable damage to family unit (split-up)
> (f) If circumstances warrant, convey:
> (1) inadvisability of arrest
> (2) unsound solution to actual problems
> (g) If arrest is unavoidable—outline procedure and responsibilities.[22]

This arrest avoidance policy was based on the premise that most family disputes to which the police officer would respond were not violent and did not result in injury to family members.[23]

In addition to the psychological training given to police recruits, sociological concepts were introduced. The San Francisco Police Department engaged Jeffrey A. Schwartz and Donald Liebman who prepared *Crisis Intervention Training Reading Assignment: Cultural*

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[19] NYCPD, *Police Response to Family Disputes,* Procedural Supplement No. 1 at i–ii (Sept. 1969); NYCPD, *Police Response to Family Disputes, A Training Manual for Family Crisis Intervention,* Introduction (undated, post 1969).

[20] City of Oakland, Police Service III–J, *Training Bulletin, Techniques of Dispute Intervention* 2–3, 5–10 (June 19, 1975).

[21] NYCPD, *Police Student's Guide* at VIII–44, 49, 80–81.

[22] *Id.* VIII–81.

[23] *Id.* VIII–41, 42, 47, 55–56, 60, 62, 66, 67.

Issues (undated). This 23-page pamphlet described the family structure and mores of the Mexican Americans, blacks, Orientals, and gays to aid officers in responding to family disturbance calls.

> The importance of knowing how a citizen's values differ from the officer's can make a great difference in how the officer handles a particular issue in a family fight.[24]

The New York City Police Department provided its students with a class analysis of family functioning.

> Differences are generated by stratification of society which is fundamentally based on wealth. The upper class usually provides for its needs but the lower the strata, the more families tend to look outside for help with their difficulties.[25]

A chart of "behavioral characteristics" presented the differences between classes: the middle class uses "withdrawal of love, withdrawal of approval, appeals to guilt," while the lower class resorts to "physical punishment."[26] The implication is that violence is endemic to lower classes and blacks; therefore, the police officer should not be critical of physical abuse in these families.

Studying attitudes toward wife beating in Michigan in 1974, two University of Michigan law students, Sue E. Eisenberg and Patricia L. Micklow, reviewed documents and interviewed police officials, prosecutors, and judges.[27] They found that police did not regard wife beating as criminal activity. A police lieutenant teaching the domestic complaints course at two police academies was asked: if a man punched his wife causing "a split lip or a bloody nose," would he be regarded as having committed "a serious infraction of the law"? He answered, "No."[28] Eisenberg and Micklow point out, in addition, that the euphemism "domestic disturbance," which is applied to a range of acts from verbal arguments to beatings, is indicative of police tolerance of wife beating.[29]

Eisenberg and Micklow state that Michigan law requires a minimum of 240 hours of training for police recuits. Three to 5 hours are spent on domestic complaints even though these calls account for almost half of all calls for police assistance.[30] The Wayne County Sheriff Police Training Academy's *Domestic Complaints Outline* first warns the trainee to "avoid arrest," and then suggests ways of discouraging victims of family violence from trying to get a warrant. Finally, the student is admonished, "Don't be too harsh or critical."[31] In practice, reports of domestic disturbance calls are made only when there is an arrest. The police keep no information to aid them in identifying families in which the "disturbances" are becoming more violent and more frequent. Eisenberg and Micklow suggest that this data could be useful in avoiding serious injury to family members and police.[32]

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[24] Schwartz and Liebman, *Crisis Intervention Training Reading Assignment: Cultural Issues* (undated).

[25] NYCPD, *Police Student's Guide* at VIII-53.

[26] *Id.* VIII-53-54.

[27] Eisenberg and Micklow, "The Assaulted Wife: Catch 22 Revisited," 3 *Women's Rights L. Rep.* 138, 139-40 (1977, hereafter "3 *Women's Rights L. Rep.* ").

[28] *Id.* 145.

[29] *Id.*

[30] *Id.* 156.

The California, Michigan, and New York police training publications did not discuss the possibility of a continuing pattern of wife beating as the cause of the family disturbance. This problem had not received public attention prior to 1974, and police departments had no input from groups aiding battered wives. Recently police departments have been receiving criticism of policy and practice and suggestions for change from battered women and their representatives.

As early as 1972 the staff of Brooklyn Legal Services Corporation B, a federally-funded free legal service for the poor, received daily complaints about the police from battered women divorce clients. Fifty percent of the women divorce clients, totaling about 300 women annually, were battered wives. Many of these women stated that they, their child, or a neighbor had called the police during or immediately after a beating, but the police had refused to come, referring the woman over the telephone to the Family Court where she could request a civil injunction against her husband's future violence. If the police did respond, the officers often joked with the husband, were sympathetic to him, and made derogatory comments about the wife. The most frequently repeated criticism was that the officers, without regard to the seriousness of the injuries or general evidence of physical violence from the disarranged and broken furniture, stated, "If you are married, there is nothing we can do." Women told of police officers refusing requests to arrest former husbands who broke into their former wives' apartments and beat them, because the victims could not produce copies of their divorce judgments.

In a case similar to this the former wife called the police on 5 consecutive days. She had a visible "black eye" from an attack the week before when the officers arrived on the first day. She showed them her lease, which was for herself and three children, and stated she was divorced. They said that without a copy of the divorce judgment they could do nothing. The former husband heard them say this. He returned every day for the next 4 days and heard different responding officers repeatedly state they could do nothing for this woman because this was a family matter. He forced the lock on the apartment door and slapped or punched and threatened to kill his former wife each day. He left each time when the police came. On the fifth day the former husband was standing in the kitchen when the woman and their three children arrived home with groceries. He threatened to kill her. She told him to leave. He picked up a serrated steak knife and cut and stabbed her in the face, arm, and side. The neighbor heard the children's screams and called the police. The officers arrested the man for attempted murder.

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[31] *Id.* 156–157.

[32] *Id.* 157.

Complaints of police indifference to obvious violence are still being received. Women report that police officers refuse to enforce the Family Court injunction, even though printed on the bottom of the order is the statement that it is authority for the officer to arrest upon allegation of violation. (Family Court Act §168 (McKinney 1977)) A woman who had experienced 14 years of beatings from a husband who neither supported her and their seven children nor regularly resided with them had gotten 1-year Family Court injunctions against his assaults seven times. Frequently, when the police responded they told her to file a violation petition, requesting the court to hold her husband in contempt. They did not arrest him until the night they found her dazed and dripping blood from a large head wound. Her husband had smashed her in the head repeatedly with a chair. He had inflicted several stab wounds with a screwdriver. She had lumps on the back of her head where her husband had hit her head against the floor. As the officers arrested the man for attempted murder, he protested, "But she's my wife."

In 1972 Brooklyn Legal Services' three requests to meet with the New York City Police Commissioner to discuss the police response to battered wives were not even acknowledged. As the hidden problems of battered wives first received press coverage in 1974 (J.C. Barden, "Wife Beaters: Few of Them Ever Appear Before a Court of Law," *New York Times*, October 21, 1974),[33] criticism of police failure to act came to public attention. Police departments defended themselves by displaying their new psychology-based, family dispute training materials. Groups working on behalf of battered wives responded by documenting police failure to aid injured and endangered women.

In Chicago, attorneys with Garfield-Austin Neighborhood Legal Services, a federally-funded free legal service for the poor, wrote to the Chicago Police Superintendent presenting their clients' complaints, making suggestions for change, and requesting a meeting. Their battered women clients stated that the Chicago police refused to arrest wife beaters in spite of clear evidence that violent crimes had been committed and that dispatchers place family violence calls on low priority. The practices described by Parnas in 1967 were now being attacked by victims of family violence. The treatment of wife beating as a "quasi-permissible, social noncriminal problem," was presented as the cause of more brutal beatings of women after the police leave. The result is that women become reluctant to call the police and turn to self-help, killing, or being killed.[34] Meetings were held immediately and are continuing.

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[33] The *New York Times* news service carried this story, which was printed in papers all over United States.

Initially, the police chiefs defended the practices of their officers and drafted a statement that made the criticized practices into official policy. After discussion of the draft, department representatives agreed to make changes. A new working draft was prepared by Candice Wayne, attorney with the Battered Women's Project, which opened October 17, 1977. This draft is now under consideration. It directs dispatchers to give family violence calls the same high priority as other violent crimes in progress. Police officers are to be told that wife beating is a crime to be treated the same as any assault. It expressly repudiates the "we cannot get involved in family matters" practice. Referral resource lists are required for every officer to use when arrest is not appropriate. Records of relationship of victim and offender, victim injury, and action taken would establish the frequency and severity of family violence and provide officers with a case history of complaints and police action in that household, as an aid to appropriate response in the future.[35]

The movement for reform of police policy and practices has taken two routes in New York City. Twelve battered wives who were refused police assistance commenced a lawsuit against the NYCPD on December 6, 1976.[36] *Bruno* v. *Codd* is the first comprehensive attack on the failure of the criminal justice system to provide protection and medical aid to battered wives. For example, Carmen Bruno's allegations are that the police officers arrived while her estranged husband still had his fingers around her neck. Mrs. Bruno and her neighbors urged the police to arrest him. They refused and escorted him out of the building. The police failed to ascertain if Mrs. Bruno needed medical assistance. They did not follow any of the factfinding procedures set forth in the department's training guides. If they had asked questions, they would have learned that Mrs. Bruno fled her husband's brutality several years before. He had only recently learned of her address, whereupon he commenced making threats to kill her.

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[34] Letter from Eileen P. Sweeney and Lucy A. Williams to Superintendent James Rochford, Sept. 27, 1976, on file at Brooklyn Legal Services.

[35] Telephone conversation with Candice Wayne, attorney, Chicago Battered Women's Project, Dec. 1, 1977.

[36] Bruno v. Codd, Supreme Court of the State of New York, New York County, Index No. 21946/76.

Mrs. Bruno feels that she is unable to get police protection and lives in constant fear.[37]

The plaintiffs in *Bruno* v. *Codd* seek a State court declaratory judgment that the police failure to aid and protect battered wives is contrary to New York law. They are requesting an injunction prohibiting police officers from discriminating against battered wives and directing the department to treat family violence the same way violence between strangers is treated. They wanted arrests made when there is probable cause for the officer to believe that the accused committed a violent act. Plaintiffs ask that the court direct police officers to cease making comments supportive of men who beat their wives. In addition to many demands regarding enforcement of civil injunctions against family violence, as provided in New York Family Court Act §168, request is being made that the court order the police to assist battered wives to obtain medical aid as they do for other victims of crime.[38] Discovery is proceeding while the defendants have taken an appeal from the denial of their motion to dismiss the complaint for failure to state a cause of action.[39]

Five months after the lawsuit was commenced, battered women's support groups and elected officials began meeting with NYCPD policymakers and trainers to obtain changes in family dispute policy and training. The first meeting was on April 14, 1977, with the commissioner and most of the deputies and chiefs of command. The commissioner established a department "battered women" (the police use quotation marks around the term) committee that is still in operation.[40] At the first committee meeting, members expressed concern that a diligent response to this "pressure group," as they denominated it, could be interpreted as an "admission of malfeasance or non-feasance" in light of the *Bruno* v. *Codd* lawsuit. The committee members believed that the department has met the battered wife problem adequately, but they were willing to discuss some modification of training.[41] Several of the early demands that the police rejected were enacted into law by the New York State Legislature, effective September 1, 1977.[42] These included provision that the victim be able to file a copy of her civil injunction with the police department and that the police institute family dispute recordkeeping. Improvements in training materials have been made as a result of the work of this community group. The newly published *Area Level Training Bulletin*, September 1977, incorporates these changes, but it retains many weaknesses. This publication will be discussed in greater detail below.

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[37] Bruno v. Codd, Complaint at 13-17. A Federal civil rights class action was commenced Oct. 28, 1976, against the Oakland, California, Police Department. Scott v. Hart, C76-2395. A motion for summary judgmment and dismissal was denied.

[38] Bruno v. Codd, Complaint, at 98-99.

[39] Bruno v. Codd, 396 N.Y.S. 2d 974 (Sup. Ct. N.Y. County, 1977).

[40] Memorandum for Commanding Officer, Quality Control Section, Re: Battered Women, Apr. 4, 1977, on file at Brooklyn Legal Services.

[41] Memorandum for Chief of Operations, Re: "Battered Women"—First Meeting, Apr. 22, 1977.

[42] McKinney, N.Y. Sessions Laws 1977 ch. 449.

Seattle Times reporters Susan Schwartz and Dale Douglas Mills, in their unpublished monograph "Wife Beating: Crime and No Punishment" (1974),[43] describe numerous incidents of Seattle police refusal to aid battered women. Police officers refused to look at a woman's injuries, which would have given them probable cause for an arrest, but urged her to "make peace." An officer told a woman he could not take her complaint because it was Sunday.[44] Individual patrolmen have developed informal "policies" contrary to department regulations. They will not aid a woman who has suffered previous beatings. They have concluded that she will not prosecute, and therefore it is a waste of police time to help her.[45] Attorney Susan Jackson writes that the San Francisco police also base their decision whether or not to arrest a wife beater on their prediction of the probability that the victim will prosecute.[46]

New York City, Seattle, and Ann Arbor are not isolated centers of police inaction against family violence. Del Martin discusses police lack of response all over the United States and Europe.[47] James Bannon of the Detroit Police Department criticizes police for their tolerance of family violence. He states that in Detroit family dispute calls are screened out by dispatchers as an official caseload control mechanism. This was the police department's method of reducing the number of police assignments when the requests for assistance exceeded the ability to respond.[48]

In New York City, dispatchers give past assaults and assaults "in progress" a "2" or "3" response priority. The "2" priority is assigned to past and present assaults with knife or gun, while the "3" priority is given to assaults with other weapons. Disputes are given a "5" priority.[49] A dispatcher stated in an interview that family dispute calls are always treated as low priority. This conforms to Parnas' finding that dispatchers in Chicago treated family fights as low priority disputes even though their instructions were to rate them as assaults when violence was reported.[50]

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[43] On file at Brooklyn Legal Services.

[44] *Id.* 6–7.

[45] *Id.* 6–8.

[46] Jackson, "In Search of Equal Protection for Battered Wives," 8 (1975), unpublished manuscript on file at Brooklyn Legal Services.

[47] Martin, *Battered Wives* 87–99 (1976).

[48] Bannon, "Law Enforcement Problems with Intra-Family Violence" 1–7, unpublished address to American Bar Association section on Individual Rights and Responsibilities, Aug. 12, 1975, on file at Brooklyn Legal Services.

[49] NYCPD, *Radio and Incident Code Signals with Priority Level and Automatic Routing* 5 (undated). Priority level "1" is reserved for major catastrophies: plane crashes or building collapses.

[50] Parnas, 1967 *Wis. L. Rev.* 928.

The national tendency to regard family violence as beyond police response capability is expressed by the Federal Bureau of Investigation in its introduction to the discussion of homicide in the 1975 *Uniform Crime Reports.*

> The circumstances which result in murder vary from family arguments to felonious activities. Criminal homicide is largely a societal problem which is beyond the control of the police. The circumstances of murder serve to emphasize this point. In 1975, murder within the family made up approximately one-fourth of all murder offenses.[51]

Thus, family disturbance calls, in spite of their potential for ending in homicide and aggravated assault, remain a lower priority than more easily resolved property crimes.

The police refusal to aid battered wives may in part be attributed to sexism and classism. Bannon, Martin, Eisenberg, and Micklow and Schwartz and Mills have reached this conclusion. Sexism and classism in the publications discussed above and in LEAA publications reinforce the common prejudices of police officers. These training materials make no mention of chronic wife beating. The LEAA training materials state that "close or intimate relationships are responsible for between 70 to 80 percent of homicides," but that "the officer should be aware that most family disputes are *not* violent."[52] This emphasis leaves the officer unprepared to aid the battered wife and to prevent future violence.

The family dispute training materials reveal antiwomen attitudes that hinder objective response to battered wives. Family conflict is described as being caused by communication difficulties among family members with both parties contributing, or intrapersonal factors in which one party is the cause.[53] The most prominent value judgment is that a man's employment takes priority over his wife's safety.[54] In the NYCPD and LEAA publications, a list of three examples of "intrapersonal" problems begins with "the woman going through menopause who is very depressed."[55]

In the summary outline of tactics that should be used by police in family disputes, the officer was warned that intoxicated people, *women,* and psychotics are "likely to resort to physical violence" in the presence of a police officer. The *Police Student's Guide* states that women may become violent toward their men because they believe the officers will protect them.[56] It was not explained that her attack is caused by rage resulting from her defenselessness in the face of his assault before the police arrived. The list of four possible causes to consider in disputes involving children begins with the example:

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[51] *1975 Uniform Crime Reports* 18.

[52] Bard, *The Function of the Police in Crisis Intervention and Conflict Management: A Training Guide* 5.5 and 7.9, respectively (LEAA, National Institute of Law Enforcement and Criminal Justice, 1975, (hereafter, "LEAA *Training Guide.*")

[53] NYCPD, *Police Student's Guide* at VIII-60, 67; LEAA, *Training Guide* 7.19–20.

[54] *Id.* VIII-41, 44, 49, 62, 81–82.

[55] *Id.* VIII-67. LEAA *Training Guide* 9.19.

> a.
>
> (1) *Mother rejects father*
> (2) transfers love, affection to child
> (3) sometimes sexual forms
> (4) emotional stability of child may be impaired[57]

No mention is made of the possibility of a father's incestuous activities with his daughter.

This emphasis on the guilty, rejecting wife as the cause of conflict is further developed in the LEAA, *The Function of the Police in Crisis Intervention and Conflict Management: A Training Guide,* and the NYCPD, *Police Response to Family Disputes, A Training Manual for Family Crisis Intervention.* [58] Both publications present the same four family dispute scripts as training exercises. All the women are dominating and forceful, except one who is a heroin addict. The conflicts portrayed in the first three plays are caused or aggravated by the women in the family. In the last play the wife shares the blame.[59] The actors are told to project the following roles:

> Sister—Portray a dominant female figure who has control over father. . . .[60]
>
> Ann—This is a person who is very forceful and dominating in her actions and conversation. . . .She should be portrayed as a person who takes delight in controlling her husband. . . .In her role with the police officers, she should maintain her unyielding attitude and continued insistence on her husband's removal from the apartment.[61]
>
> Wife—This girl [23 years old] should be portrayed as a drug user with typical addict mannerisms and apathy who will have very little interest in the welfare of her children and her role as a wife and mother. . . .
>
> Husband—The Army Sergeant's role must be one of primary concern for one of the children, whose natural father he is. He tolerates the young baby [not his child. . . .][62]

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[56] *Id.* VIII-76.

[57] *Id.* VIII-76.

[58] LEAA, *Training Guide* 7.26, 7.37, 7.39, 7.40.

[59] LEAA, *Training Guide* at appendix 1-9-1-36; NYCPD, *Police Response to Family Disputes, A Training Manual for Family Crisis Intervention* 28–49.

[60] *Id.* 28; LEAA, *Training Guide* at app. 1-11.

[61] *Id.* 32; LEAA, *Training Guide* at app. 1-17.

[62] *Id.* 38; LEAA, *Training Guide* at app. 1-23-24.

These women are the stereotypical nagging, manipulative wives who "deserve a smack in the mouth" from their long-suffering husbands. Negative portrayals of women do not help police trainees to understand the problems of battered wives.

The class and ethnic stereotypes are equally counterproductive.[63] The notion that violence among ghetto residents is an accepted part of life, which the police should understand, discourages assistance to ghetto battered wives. The LEAA *Training Guide* explains that:

> Although the prevailing American culture tolerates a minimum of physical force as a reaction to anger, such physical force is the common response among certain ethnic groups. Therefore, whether or not the use of such force can be considered serious depends in part on the cultural background of the people using it.[64]

There is no reason to rush to the aid of a minority woman who is being beaten by her husband if violence is part of their lifestyle.

The LEAA *Training Guide* and the *Police Student's Guide—Social Science* teach that economic class determines family behavior patterns. The middle class punishes through withdrawal of love and approval, but the lower class uses physical punishment.[65] The middle class discourages physical aggression, while physical aggression is regarded as normal by the lower class.[66] These notions have little basis in reality. A survey of 1,176 adults conducted in 1967 for the National Commission on the Causes and Prevention of Violence showed that more college-educated men and women "could approve of a wife slapping a husband" or a husband slapping a wife under some circumstances than those who had grade school education only. The researchers concluded that approval of slapping one's spouse increases with both education and income.[67]

The movement to aid battered women has found that wife beating is prevalent in wealthy suburbs as well as in the ghetto. Montgomery County, Maryland, has a battered wives' refuge and support group that was featured on a television special. Fairfax County, Virginia, also has a support group. The Women's Center of Greater Danbury, in Fairfield County, Connecticut, has provided counseling for 26 battered wives in 2 months. All but two of the abusive men were professionals, including lawyers, doctors, policemen, corporation executives, and ministers. One wife beater was a marriage counselor.[68]

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[63] Schwartz and Liebman, *Crisis Intervention Training, Reading Assignment Cultural Issues* 23 pp.; LEAA *Training Guide* 6.5–6.11.

[64] LEAA, *Training Guide* 6.9.

[65] LEAA, *Training Guide* 6.8; NYCPD *Police Student's Guide* at VIII–54.

[66] *Id.* VIII–54.

[67] Stark and McEvoy, "Middle Class Violence," 4 *Psychology Today* 54 (1970).

Middle class family violence is more difficult to observe because middle class reliance on private physicians and psychiatrists has prevented researchers from finding these battered wives among public and charitable agency clients. For this reason family violence will continue to appear to be a mostly lower class problem with occasional glimpses of it in the middle and upper classes. The middle or upper class battered wife, therefore, has greater difficulty getting police protection than lower class women. Thus, formerly battered middle class women have worked to gain public recognition of the problem of wife beating. Publicity combined with community pressure, litigation, and legislation have begun to produce policy changes in police departments.

As a result of pressure from battered women's support groups, recent police training publications have taken a pragmatic approach with less emphasis on psychology and sociology. There has been increased recognition of the danger of serious injury to the family members, and although arrest is still discouraged, standards are now provided for determining when arrest is appropriate. *Police Training for Tough Calls,* by Frank J. Vandall (1976), published by the Center for Research in Social Change of Emory University, demonstrates this revisionist position.

As in the earlier New York City Police Department materials, Vandall warns that arrest may cost the offender's job.

> In some domestic disturbances the officer will desire to invoke the criminal process because there has been a serious violation of the law such as a battery. Before invoking the criminal process, however, the officer should consider several negative results that flow from such an action. The most serious factor to be considered is that the physical arrest record may contribute to the offender losing his present employment.[69]

The mediation, adjustment, and referral technique is then outlined as in the New York City Police Department's, *Police Student's Guide—Social Science.* Vandall differs from the *Guide* in his presentation of factors that determine whether or not to arrest. He emphasizes that the key factor is the officer's assessment of the seriousness of the injury.

> The absence of the offender in itself does not determine the answer to the question whether the officer should invoke the criminal process. . . .

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[68] Cook, "New Focus on Battered Women," *New York Times; Connecticut Weekly,* Dec. 4, 1977, p. 1, col. 3; Martin, *Battered Wives* 19.

[69] Vandall, *Police Training for Tough Calls* 27, 38 (1976).

> One of the most important factors to be considered. . .is the seriousness of the injury. An injury is serious if it is one that would normally require professional medical attention. . . .It is not relevant that the victim refuses hospital attention. The decision as to the seriousness of the injury rests with the reasonable judgment of the officer.[70]

Vandall uses the extent of injury as the measure of intent to do harm. He instructs the patrolman also to consider the weapon used, the present conduct and statements of the offender, any indications that the attack was planned, the offender's criminal record for violent crimes, repeat calls to the same household, intoxication of the offender, and recent threats by the offender to harm the victim.[71]

The most significant difference between Vandall's book and the current New York City Police Department treatment of family disturbances is Vandall's warning that the victim's refusal to sign a complaint is not relevant to the arrest decision. He explains that the victim of a domestic dispute is "under tremendous pressure and is not in a position to decide whether the offender should be taken into custody."[72] Vandall instructs the officer to make the decision based upon his own expertise and then request the victim to sign a complaint. If the officer determines there is probable cause to believe a felony has been committed and the victim refuses to sign a complaint, Vandall states that the officer should sign the complaint himself.[73] This position is the opposite of the New York City Police Department policy of arresting only when the victim of a family assault expressly requests an arrest.[74] Vandall labels this an "unacceptable practice."[75]

New NYCPD analysis of family disputes stresses that violence or threats of violence have "invariably" preceded the call for police assistance.[76] The absolute neutrality and mediation policies have been modified. Instead, the officer is instructed to "communicate the attitude that violent behavior is not excused or tolerated."[77] Police officers are being urged to change their former tolerance of family violence.

> Both the urgency and destructive potential of violence in the family requires the kind of timely and authoritatively lawful third

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[70] *Id.* 30–31.

[71] *Id.* 31–34.

[72] *Id.* 35.

[73] *Id.* 35–36.

[74] Testimony of Det. John Sullivan, teacher, New York City Police Academy, New York City Council public hearings on family violence, Oct. 14, 1976, unpublished.

[75] *Police Training for Tough Calls* 35.

[76] NYCPD, "Violence in the Family," *Area Level Training Bulletin, Instructor's Manual* 43 (September 1977, hereafter "NYCPD *Area Level Training Bull.*"). Contrast, NYCPD, *Police Student's Guide* at VIII–40, 44, 47, 60, 62.

[77] *Id.* 44. Contrast, NYCPD, *Police Student's Guide,* which admonishes the officer, "do not take sides," at VIII–43, 60, 67.

> party response capability that is absolutely unique to the police function.[78]

Preventing family violence is presented as promoting police safety, providing responsive service, and equally important as other forms of crime control.[79] The NYCPD training materials explain the reasons that victims of years of beatings remain with abusive partners: marriage is regarded as a sacred contract; the victim has been isolated; the victim does not know where to go for help; the victim is financially dependent on the offender; the victim stays so the children benefit from a two-parent home; the victim is ashamed; the victim fears that " *she* " will not be able to find a job; the victim fears reprisals from the offender. Most revealing is the statement that the victim may "have a feeling of helplessness; in the past when the person went to the police or courts, no action was taken."[80] The victim of family violence is now portrayed as having limited resources and few alternatives. There is recognition that the police have been part of the problem for victims of family violence.

Mediation, adjustment, and referral remain the preferred course of action. The officer is still cautioned that arrest has a negative effect on family income and relationships and that these adverse results should be explained to the victim. There is some discussion of the appropriateness of a summary arrest in cases of assault, especially when there is a pattern of prior assaults.[81] Although these arrest avoidance issues receive less emphasis than in previous training publications, the new treatment of arrest is insufficient to overcome the patrolmen's prejudices against getting involved in family disputes.

The worst defect in the NYCPD *Area Level Training Bulletin* chapter on "Violence in the Family,"[82] which is also present in Vandall's *Police Training for Tough Calls* (34–38), is the intentional omission of the terms "wife beating" and "battered wife."

> Through questioning, it sometimes comes to light that a *person* has endured beatings from a spouse over a period of years. . . .There are many reasons for this. . . .The marriage contract is sacred, the *person* stays for religious reasons. . . .the *person* may be completely financially dependent on the spouse. . . .the *person* is afraid to leave because there are no jobs for a *woman* with children. . . .[83]

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[78] *Id.* 44.

[79] *Id.* 45.

[80] *Id.* 57.

[81] *Id.* 58–62.

[82] *Id.* 34–63.

[83] *D.* 57. (Emphasis added.)

These statements are disingenuous. The memoranda of the meetings between the NYCPD and the battered women's support group show that the department policymakers know that they are being criticized for their failure to aid and protect *battered wives.* They give the appearance of acceding to public pressure to improve the response to calls from battered wives, but the refusal to state that the "person" enduring the beating from "a spouse" is the wife implicitly denies the existence of the battered wife phenomenon.

Changes in policy that do not explicitly address the problem of wife beating give the impression that the department does not intend to effect basic reforms in the way officers treat battered wives. Because the new training materials only hint at the real issue, the police officer must be confused about just what his superiors expect of him. In contrast, the International Association of Chiefs of Police recently published two new Training Keys entitled, *Wife Beating* and *Investigation of Wife Beating* (1976), which demonstrate a preferable approach.

The first key tells the officer that wife beating is the typical form of violence he will encounter between spouses, although there are cases of wives beating their husbands. It explains that the victims are economically dependent on their husbands, are without job skills, suffer from low self-esteem, and are immobilized by constant fear of assault. The police officer's role is to prevent violence through mediation. If an attack has already taken place, however, the officer should conduct an assault investigation to determine if there is probable cause for an arrest and to gather evidence to support the prosecution. The officer is cautioned not to view wife beating as a "victimless crime." "A wife beating is foremost an assault—a crime that must be investigated."[84]

The investigation provides the officer with the information upon which he will base his decision whether or not to arrest. The nature of the assault is the determinant. If a felony assault has been committed, the officer may make an arrest regardless of the victim's lack of cooperation. The association now suggests that a policy in favor of arrest in wife beating cases may help free the battered wife from the trap of violence.

> A policy of arrest, when the elements of the offense are present, promotes the well-being of the victim. Many battered wives who tolerate the situation undoubtedly do so because they feel they are alone in coping with the problem. The officer who starts legal action may give the wife the courage she needs to realistically face and correct her situation.[85]

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[84] *Training Key 245, Wife Beating* 1–3, 3 (1976).

[85] *Id.* 4.

Investigation of Wife Beating instructs the dispatcher to inquire about the nature of the assault and the use of weapons, and to give this information to the responding officer. The officer is told to protect and give first aid to the victim and to ask if there are injuries that do not show. It is explained that victims often have internal injuries and injuries to the back of the head and parts of the body covered by clothing. "It is the police officer's responsibility to obtain the proper medical attention for her, even if she protests receiving it."[86] Just as for other crimes, the officer is told to find and interview neighbors and other witnesses, including children. Photographs should be taken of injuries and of the "crime scene." Blood-stained clothing and weapons should be collected and preserved. If the victim affirmatively refuses to cooperate in prosecuting her husband and there is insufficient evidence to sustain a felony charge, the officer should then explore alternatives such as social service agencies, civil court actions, emergency shelters, and temporary separation. The usual caution about liability for false arrest is balanced by a warning about liability for neglect of duty. Finally, the officer is told that a victim who continually refuses to take legal action should be advised that the beatings may continue and may become more severe.[87]

In contrast to the NYCPD family violence materials, the tone and *content* of these two Training Keys clearly tell the patrolman the policy, his role, and his duty. He is given reasons, direction, and standards for accomplishing his tasks. The issues, prejudices, practices, and policies are explicitly discussed. The officer reading these knows that the practices of nonresponse and "get out fast" are no longer acceptable. He is told that he is required to respond affirmatively to battered wives. The policies and procedures set forth in the International Association of Chiefs of Police Training Keys on wife beating must be made part of the operations manuals used by those now on police forces, as well as part of recruit training. Inservice training must portray police assistance to battered wives as an essential part of aggravated assault and criminal homicide prevention.

In 1967 Parnas theorized that domestic disputes are the prelude to most spouse murders and serious assaults. He believed that prompt and skilled intervention at the minor disturbance level might decrease the serious violent crime occurring among family members.[88] The 1973 study of domestic violence conducted by the Kansas City, Missouri, Police Department and a 1974 study of conflict-motivated homicides and assaults in Detroit conducted by James D. Bannon and G. Marie

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[86] *Training Key 246, Investigation of Wife Beating* 1–2, 2 (1976).
[87] *Id.* 4–5.
[88] Parnas, 1967 *Wis. L. Rev.* 959.

Wilt support Parnas' hypothesis that murder and serious assaults are preceded by minor assaults.

The Kansas City Police Department found that they had responded to disturbance calls at the address of homicide victims or suspects at least once in the 2 years before the homicide in 90 percent of the cases, and five or more times in the 2 years before the homicide in 50 percent of the cases. They had responded once to disturbance calls at the home of victims or suspects in 85 percent of the aggravated assault cases, and five or more times to disturbance calls in 50 percent of these cases during the 2 years before the aggravated assault.[89] Of the total sample of cases studied, 42.3 percent involved physical force, but when the participants were either married or divorced, the incidence of force rose to 54.4 percent. When the participants were common-law spouses, relatives, strangers, or acquaintances, however, physical force occurred only 30.7 percent of the time. Another significant barometer of violence was the threat. When threats were made violence occurred in 53.9 percent of the cases.[90] Of the 294 conflict-motivated homicides studied in Detroit, 90 (30.6 percent) involved family members.[91] Sixty-two of these family murders were preceded by histories of conflicts.[92]

The police crime prevention function is not being developed. In spite of emphasis on more sophisticated responses to domestic disputes, the average patrolman is failing to gather sufficient information to make a determination of the nature of the problem. There is no difference in the aid offered in cases of verbal disputes or physical assault. The spontaneous nonarrest practices described by Parnas have been extended by the patrolman, relying on official police department policy in favor of adjustment, to inaction in all cases of family assault. Arrests are not made when there has been violence, or when an injured wife requests to file a complaint. The mediation training for conflict resolution stresses neutrality, which in turn reinforces the wife beater's notion that he has done nothing wrong. Battered wives are made to share the blame for the injuries they have suffered, just as the rape victim has been held responsible for the crime committed against her. Thus, violence in the home escalates, because the victim has learned that the police will give no aid, and the offender knows that he will suffer no penalty.

Police training should include discussion of wife beating as a frequent form of criminal activity to which arrest is the appropriate response. Dispatchers must be required to get sufficient information to determine if there is a beating in progress or just ended, and if the offender is still present, and to treat these as priority, violent, crime-in-progress calls rather than low priority dispute calls. The category "family dispute" should be eliminated from the dispatcher's lexicon. It should be replaced with descriptive terms that give the responding patrolman useful information: assault, assault with weapon, verbal only. Threats must be recognized as predictive of acts and taken seriously. Officers must disregard the relationship of victim to suspect, or the likelihood of completed prosecution, but base their decision solely on probable cause for arrest.

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[89] Breedlove, et al., "Domestic Violence and the Police: Kansas City," in Police Foundation, *Domestic Violence and the Police* 23 (1977). (Addresses of multiple dwellings with many tenants were excluded from the analysis. No data were gathered on the number of disturbance calls that never resulted in violence.)

[90] *Id.* 27.

[91] Wilt and Bannon, "Conflict-Motivated Homicides and Assaults in Detroit," in Police Foundation, *Domestic Violence and the Police* 37.

[92] *Id.* 39.

The presence or absence of the suspect is irrelevant. In family assault cases it is almost certain that the suspect will return to the scene of his crime because it is his home. The standards for arrest developed by Vandall and the International Association of Chiefs of Police would provide patrolmen with functional guidelines for arrest based upon valid criminal justice concerns for prevention of violence. The seriousness of the injury, the use of a weapon, the evidence of premeditation, and the existence of prior or continued threats to maim or kill are the factors upon which the decision whether or not to arrest must be based. Once the decision to arrest is made, full investigation to gather evidence to support the prosecution is the next step.

If there is insufficient basis for a probable cause to arrest and the victim does not want to sign a complaint for misdemeanor assault or menacing, the officer should make referrals to agencies aiding battered wives. The International Association of Chiefs of Police urges the officer to encourage the battered wife to get help. An ideal way for this to be done is to discreetly give the woman a small referral card that she can use when she is ready to seek counseling or when she needs shelter. Plattsburgh, New York, police are distributing business-size cards with the 24-hour telephone number of Women, Inc., the local battered women's support group. Strongly worded departmental orders must advise patrolmen of these policies and procedures so that patrolmen know that they must aid battered women.

A proarrest policy has been suggested by the International Association of Chiefs of Police. It should be tried at least on an experimental basis. Those who aid battered women have come to the conclusion that the nonarrest, mediation, and adjustment practiced by police officers has a negative effect on the victim seeking help or escape and encourages the offender to continue his violence. Comparison studies of the effects of an arrest policy command, a mediation policy command, and a command with no stated policy (in which the officers would be free to ignore family calls) should be made to analyze the effects of these alternative approaches on future violence between the parties. This type of comprehensive investigation is urged by the Police Foundation. Whether or not this research is undertaken, police officers must immediately provide protection, obtain medical assistance, effect arrests, and facilitate the escape for battered and threatened women.

Prosecutors and Criminal Justice Diversion Programs

Police need the positive reinforcement of having their arrests and investigations be the basis of prosecutions. The practice of prosecutors has been, however, the same as that of police officers in wife beating cases. Without regard to the history of violence or seriousness of the assault, they quickly "adjust" the matter and make inappropriate "referrals." They refuse to bring wife beating cases to trial.

Prosecutors cite the failure or refusal of battered wives to sign complaints and to appear in court to testify. It is generally agreed that more than half the battered wife complainants either fail to cooperate with the prosecutor or request that the charges be withdrawn. Traditionally, this failure has been deemed a waste of time for which the women have been blamed. Now that battered wives have begun to speak out, it has become clear that responsibility must be shared by the prosecutors and courts.

Raymond I. Parnas is again the most authoritative and methodologically sound investigator of prosecutor response to wife beating. He reviewed documents, corresponded with prosecutors and judges, and visited jurisdictions with innovative programs. Parnas focused on the "minor" family offenses.[93] He found that even those cases deemed serious by the police are adjusted without prosecution.[94]

> . . .[T]here is a tendency on the part of those in a position to respond to either ignore them altogether, or more usually, to respond in such a way as to get rid of such cases as quickly as possible.[95]

In most jurisdictions this takes the form of exercise of prosecutorial discretion.[96] In Washington, D.C., in 1966, about 7,500 women requested the prosecutors to issue warrants for their husbands' arrests. Less than 200 such warrants were issued.[97] Some localities have special district attorney family offense units that conduct informal hearings with attorneys or investigators presiding. This procedure has been used in Washington, D.C., and in California.[98] In California the prosecutor warns the suspect that he will be arrested if he continues his offensive conduct. Suspects are not advised of their right to counsel and are not given *Miranda* warnings. Cases adjusted in this way rarely result in prosecutions. San Francisco has a Family Relations Bureau staffed by investigators who combine this warning and adjustment process with referral to social and legal services agencies.

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[93] Parnas, "Prosecutorial and Judicial Handling of Family Violence," 9 *Crim. L. Bull.* 733, 734, (1973) (hereafter "9 *Crim. L. Bull.* ").

[94] *Id.* 735.

[95] *Id.* 734.

[96] Field and Field, 47 *Soc. Service Rev.* 224–25.

[97] *Id.* 231–32.

Writing in 1975, attorney Susan Jackson, with the San Francisco Neighborhood Legal Assistance Foundation, Women's Litigation Unit, asserted that almost no wife beaters were prosecuted after they had failed to appear at the Family Relations Bureau for an informal hearing.[99] Even when the Family Relations Bureau determines that a warrant should be issued, the district attorney is not likely to agree. There were eight prosecutions resulting from the 5,000 calls received by the bureau in 1973.[100] Los Angeles tries to divert battered wives to civil court for divorces. If a woman insists on filing a complaint, she is told she must wait several days. Once the decision to prosecute is made, the complainant is warned that if she changes her mind, she will be assessed court costs.[101] Parnas observed a similar imposition of costs in Detroit.[102]

The police and prosecutor have a joint diversion program at the charging level in Detroit. Police officers assigned to the Misdemeanor Complaint Bureau conduct the type of informal hearing used in California. The disposition is frequently an "adjournment without date" or the placing of one or both parties on a fictitious "peace bond." Parnas states that in the first 10 months of 1970 there were 5,057 requests for misdemeanor warrants received by the bureau; 323 warrants were issued.[103] In 1972, 4,900 requests for warrants were prepared and resulted in less than 300 prosecutions, according to Bannon.[104] He also points out that the "peace bond" succeeded in stopping violence when it was issued by the prosecutor, who supported it by prosecuting violators. But now that the police issue "peace bonds" they have lost their effectiveness because the prosecutor does not enforce them.

Parnas believes that the diversion programs are better than uniform prosecution of all family offense cases. This conclusion is weakened by his assumptions that serious wife assaults receive the same kind of treatment as other serious assaults and that the police and prosecutors' perceptions of what are "minor" family disputes are accurate. He ignores their tendency to classify all family violence as minor disputes.[105]

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[98] Parnas, 9 *Crim. L. Bull.* 735.

[99] Jackson, "In Search of Equal Protection for Battered Wives" 12–13.

[100] *Id.* 11.

[101] *Id.* 13.

[102] 9 *Crim. L. Bull.* 735–39.

[103] *Id.* 740.

[104] Bannon, "Law Enforcement Problems with Intra-Family Violence" 5.

Another form of court diversion at the prosecutor level is referral to independent community mediation and arbitration services. Participation in these programs is voluntary and both parties to the dispute must consent. Dispute centers perform a more useful service to disputants than the police or prosecutor hearings. Their staffs are trained for impartial mediation and devote all the time necessary to effect a workable, lasting solution to the conflict. They are not distracted by other "more important" duties as are police and prosecutors. Parnas describes the Washington, D.C., Citizen's Information Service and the Philadelphia Community Dispute Settlement Center.[106] A discussion of Rochester, New York, Arbitration as an Alternative to the Criminal Judicial Process (called the "4–A Program") is presented by Joseph B. Stulberg, director of community dispute services for the American Arbitration Association.[107]

Each of these programs appears to be an excellent approach to resolving conflicts between parties who are equals. But when violence is more serious than a single slap, kick, or punch and becomes a series of blows inflicted by the stronger party with intent to harm the weaker party, then there is no equality. The weaker person is the victim, and the stronger person is the batterer, who wields the power. This is the battered wife's situation and one reason that mediation will not work to stop wife beating.

Wife beating is not a behavior pattern that can be altered in a single 2-hour mediation or arbitration session. At the point when the woman seeks police and prosecution intervention, beatings may have been a frequent occurrence for several years. Stulberg limits the application of the 4–A Program's combined mediation and arbitration technique to cases of verbal disputes, single blows, harassment, or threats without repetition of violence.[108]

Mediation is not advisable because it requires that the battered wife share the blame for her husband's attack on her. Both the International Association of Chiefs of Police and the New York City Police Department have reversed their previous position in favor of mediation in all family offense cases. They now stress that the responding officer express disapproval of violence.[109] The prosecutor should similarly express disapprobation of violence.

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[105] Parnas, 9 *Crim. L. Bull.* 734, *passim.*

[106] *Id.* 740–47.

[107] Stulberg, "A Civil Alternative to Criminal Prosecution," 39 *Albany L. Rev.* 359, 360–70, 1975 (hereafter "39 *Albany L. Rev.* ")

[108] 39 *Albany L. Rev.* 360–70.

Complaints have been made that where community dispute centers exist, prosecutors divert all family offense cases to the centers. When the Miami Citizen's Dispute Settlement Center tries to send serious cases it cannot resolve back to the prosecutor, the prosecutor refuses to accept them.[110] Diversion can become an end in itself instead of a rationally applied alternative.

When prosecutors either expressly or implicitly force a battered wife to take her case to a dispute center, they are denying her the protection she needs. She is being taught that there is no one more powerful than her husband who either can or will compel him to stop beating her. In cases of repeated wife beating, criminal prosecution restores some of the power balance that the husband has destroyed by his violence.

An absolute policy of not prosecuting wife beating cases endangers battered women's safety and well-being because this policy also discourages police response and investigation. In a county in New York State, an assistant district attorney announced to the Family Court Probation Service supervisor that she would prosecute serious assaults only. This type of *a priori* decision that assaults in which there was no serious injury or no weapon used are not appropriate for criminal prosecution may leave the victim of frequent assaults without recourse but to suffer more beatings until she is seriously injured or to use self-help.

In marriages in which there has been a history of wife beating, the woman becomes an expert on her husband's pattern of attacks. Her vigilance may well be the reason that she has avoided serious injury. She might have learned to duck and run. She knows when her husband is getting ready for a major attack or series of attacks. Once she has decided that she is ready to seek help and protection, this decision should be greeted with a positive response by those in a position to assist her, in spite of the fact that the most recent attack was not the most serious. It may be that this incident was the final proof that his promises to reform were empty and an indication that a more brutal attack is brewing.

Battered wives who insist upon criminal prosecution often do so after many attempts at other types of resolutions. The vast majority of wife beating can be controlled through civil injunctions, divorces, or separations. But those who have found these alternatives of no help must have the option of criminal prosecution. Prosecution is, of course, ultimately dependent upon sufficient evidence to present a case. Even if the case ends in an acquittal, the experience of having been a defendant in a criminal trial that could have resulted in a jail sentence might have a deterrent effect. Prosecutors should discuss the marital history with the complainant to ascertain what other types of remedies have been tried. Research indicates that the longer the marriage, the greater the frequency and severity of the beatings, and the greater the number of previous unsuccessful attempts to get help, the more likely that the battered wife will follow through with criminal prosecution and divorce.[111]

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[109] *Training Keys 245* and *246*; *Area Level Training Bulletin*, both *supra*.

[110] Letter from Sandra Conn, Greater Miami Legal Services, to Marjory D. Fields, Brooklyn Legal Services Corporation B, Sept. 14, 1976.

Subtler, but equally serious for the battered wife, are the common types of prosecutor neglect of wife beating cases discussed in a letter to the Cook County, Illinois, State's Attorney from two legal services attorneys. In the fall of 1976, after an "informal study" of six courtrooms in which domestic violence cases were tried, the following patterns were discerned: prosecutors stated that husbands' attacks against their wives were not as serious as attacks against strangers; without regard to the seriousness of the violence, husbands were prosecuted on charges of disorderly conduct; and prosecutors failed to engage in legal argument when judges dismissed complaints based solely on the irrelevant basis that a divorce action was pending.[112]

Another major criticism was that peace bonds, whereby the defendant signed a statement promising to cease his offensive conduct, were not explained to the defendant or complaining witness, and neither party was given a copy. Defendants were not told that they would be prosecuted for committing a subsequent offense or the possible penalties for violation of the terms of the bond. Finally, peace bonds were used even in serious assault cases, contrary to the statutory intent that they be used when threats have been made or it appears that violence may occur. These practices resulted in police not arresting for violations of peace bonds because the complainant could not produce a copy for the officer to read. The community learned that the peace bond was useless to the victim and was no threat to the offender.[113]

Negotiations with the prosecutor's office began November 17, 1976, and are continuing. Immediate agreement was reached to reform the peace bond abuses by complying with the statute (Ill. Rev. Stat. ch. 38, §200-1, *et seq.*). The legal services attorneys have a "modest" court-watching program and have trained lay advocates to accompany their clients to criminal court. The advocates make certain the prosecutor understands the complainant's story and understands that the complainant wants the prosecutor to go forward with the case. This system also provides moral support for the complainant.

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[111] Kirchner, "Profile of a Poor Battered Wife," 1977, unpublished, attached hereto as appendix A.

[112] Letter from Eileen P. Sweeney and Lucy A. Williams to Bernard Carey, dated Nov. 11, 1976. (On file at Brooklyn Legal Services.)

[113] Ill. Rev. Stat. ch. 38, §200-2; letter from Sweeney and Williams to Carey, dated Nov. 11, 1976.

This lay advocate system is also used by Brooklyn Legal Services Corporation B. In December 1976 staff members met with the Brooklyn District Attorney, Eugene Gold, to discuss six examples of nonfeasance and malfeasance in wife beating cases in which sufficient evidence was available for trial. The case docket numbers were given to the district attorney in the letter requesting the meeting. He had the files before him at the meeting and acknowledged that errors had been made.

Agreement was reached to begin immediately a joint project of divorce and criminal prosecution whenever this was the victim's wish and there was sufficient evidence. Evidence is shared and trial preparation is done jointly. This enhances both the crimial prosecution and the divorce action. When battered wife clients of Brooklyn Legal Services complain of serious assaults and police refusal to arrest, the district attorney's office contacts the police in an effort to have them effect an arrest. (Unfortunately, the police do not always cooperate with the prosecutors, and the prosecutors lack the staff to have the officers assigned to them effect the arrest.)

This cooperative effort has worked very well. The indepth divorce interview gives an opportunity to find out if the woman feels that the only way she will be safe is if her husband is incarcerated or if a divorce is sufficient protection. In practice, very few women are in such extreme and continued danger that they need to have their husbands in jail. But in those cases, it is a matter of life and death that an informed decision be made by the prosecutor. Only one out of nine prosecutions was dismissed because the complaining witness requested it. In that case the judge who helped the parties reach a divorce settlement with a favorable lump-sum payment to the wife conditioned her approval of the settlement upon the wife's withdrawing the criminal complaint. In one case, protective custody was provided for a complaining witness whose life was threatened after her husband was indicted for attempting to murder her.

Jackson suggested *mandamus* actions against prosecutors who have an arbitrary policy of never prosecuting wife beating cases. *Mandamus* is a difficult form of action to maintain against prosecutors because of their broad discretion. It could be successful if a pattern of abuse of discretion is established. Other possibilities suggested by Jackson are actions for malfeasance in office or Federal civil rights violations. The civil rights action could be based on intentional discrimination based on sex and denial of due process and equal protection. These issues would be difficult to prove, but worth the effort.[114]

Two battered wives in Cleveland, Ohio, brought a Federal civil rights class action against the prosecutor. They alleged due process and equal protection violations, and violation of the right of citizens to petition the courts for redress of grievances. Plaintiffs stated that they were married women who were beaten by their husbands. They accused the prosecutor of arbitrarily denying them access to criminal court because they were women who were married to their assailants.[115]

This action was ended by consent decree in which the prosecutor agreed to: consider each wife beating case on its own merits; order full investigation of wife beating complaints to obtain necessary evidence; provide for administrative review of decisions not to prosecute if the victim so requests; and notify the police department that the prosecutor's office has revised its policy and will prosecute men who beat their wives.[116]

Negotiations with and lawsuits against prosecutors by those who are in need of protection against violent husbands are often successful in effecting changes in policy. Input from those who use the services or are affected by the agency can provide the basis for correction of unacknowledged abuses. The problems of battered wives have only recently come to public attention. This information and the expectation of responsive policy changes must be presented to prosecutors. The Cleveland settlement embodies the basic concepts of fairness that should be applied to all crime victims.

The present operation of the criminal justice system leaves battered wives remediless. Consideration of the uniquely dangerous position of the battered wife as a complaining witness in a criminal prosecution should lead to changes in policy and practice. Prosecutors should provide protection for battered wives who may have nowhere else to live but with their husbands pending trial on the assault charges. The victim cannot lock the offender out of his home without court approval; therefore, request must be made to the court that pretrial release on the defendant's own recognizance or on bail be conditioned upon the defendant's staying away from the complaining witness. Police investigation should be encouraged through use of their knowledge of the condition of the victim and the crime scene as part of the decision whether or not to prosecute.

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[114] Jackson, "In Search of Equal Protection for Battered Wives" 20–22, 26–28.

[115] Raguz v. Chandler, Case No. C74–1064, Complaint, at 4–8.

[116] Letter from Richard Gurbst, Legal Aid Society of Cleveland to Laurie Woods, MFY Legal Services, Apr. 20, 1976 (on file at Brooklyn Legal Services), and Raguz v. Chandler, Motion for Class Certification and Preliminary Injunction.

Prosecutors in Brooklyn and Nassau County, New York, concerned with stopping wife beating stress that, in the plea bargaining process, guilty pleas to violent crimes only should be accepted. Even if the plea is to simple assault, and a sentence of probation imposed for a first offense, that conviction record will be the basis of a harsh sentence, should the defendant repeat his attacks on his present or a subsequent wife. The Brooklyn District Attorney is working with the Center for Responsive Psychology, which is developing guidelines for selection of jurors for wife beating prosecutions. The center has a questionnaire designed to show how prospective jurors perceive battered wives and accused wife beaters. It is hoped that new *voire dire* questions will enable prosecutors to determine who is prejudiced against battered wives so that prejudiced jurors may be eliminated.

Prosecutors should recognize that the victim may have positive reasons for withdrawing her complaint. The official threat of prosecution may have caused the husband to stop his assaults and to seek help to control his violence. In the alternative, the woman may decide that the only way she will be safe is to move away and leave no forwarding address. The time that the prosecutor has the defendant in custody pending arraignment or trial may give the victim the opportunity to escape. Since the prosecutor cannot guarantee her safety if there is a release pending trial or on a sentence of probation or upon acquittal, this may be her only nonviolent means of ending the beatings she has suffered. Thus, failure of a battered wife complainant to follow through may not be a waste of prosecutor time from a public policy point of view. The arrest and commencement of prosecution may have been successful in bringing a peaceful end to the violence.

Judges

The police response to battered women is the most crucial because they are in the position to stop beatings and save lives. The next most important authorities in the criminal justice system are the judges because they can compel police and prosecutors to protect battered wives, as well as sentence individual wife beaters. Since few actions have been brought against police and prosecutors, there is little material other than treatment of individual cases upon which to base an analysis of judicial response to wife beating.[117]

Judges sitting in criminal courts display the same prejudices as police and prosecutors, even though they see battered wives who have refused to be discouraged and have cooperated with the prosecution. Statistics discussed above show that there are few prosecutions resulting from thousands of requests for warrants. This may indicate that only the most serious cases, in which the victim believes that jail is the only way to stop her husband's attacks and the prosecutor believes he has sufficient evidence for conviction, go to trial. Yet judges treat these cases as though there had been no attempts to screen them out on the police and prosecutor level. They tell women to forget the injuries and reconcile with their husbands. Marriage counseling is ordered without consideration of the seriousness of the assault, or women are told to get a divorce and the case is dismissed.[118]

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[117] Adjudication of individual civil actions will be discussed in the chapter on civil statutes and judicial interpretation, below.

Schwartz and Mills reviewed the results of nine cases tried in Seattle. Suspended 1-month sentences and fines of up to $50 were imposed on defendants who pleaded guilty to charges of "causing a disturbance." The seriousness of the actual offenses had no effect on the sentence.

> Although the assaults included stabbings and broken bones, none was charged as a felony. All were considered misdemeanors. Not one of these assailants went to jail.[119]

Parnas described similar patterns in the courts he observed. In Chicago's Court of Domestic Relations, 50 percent of the cases were intrafamily assaults. The most frequent dispositions were summary dismissal for failure of the complainant to appear or at her request. In those cases in which a hearing was held, the most common disposition was an unsecured, unrecorded, blank, fake peace bond. Neither party received a copy and the consequences for violation were not explained. If a defendant on peace bond came before the court again, there would be no way for the judge to know that a bond had been previously imposed unless one of the parties told him. Parnas found that, "Regardless of the disposition stated in court (i.e., pleaded guilty, found guilty, put on "peace bond," etc.), the official docket entry is almost always "DWP" (discharged for want of prosecution)."[120] In Detroit and Baltimore, Parnas observed that the family and neighbor assaults combined amounted to 5 to 15 cases out of 70 to 90 cases per day, and 10 to 15 percent of the daily docket, respectively. Judges in both cities attempted to delay hearings or dispositions as long as possible to get the parties to settle the matter. If this did not succeed, defendants were lectured and put on unsupervised or pro forma probation.[121] Parnas summarized his findings concerning the operation of the criminal courts as a failure to serve any "correctional" function that would reduce recidivism. Family violence was "handled summarily and off-the-cuff."[122]

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[118] Eisenberg and Micklow, 3 *Women's Rights L. Rep.* 159.

[119] Schwartz and Mills, "Wife-Beating: Crime and No Punishment" 12–13.

[120] Parnas, 9 *Crim. L. Bull.* 748–49.

[121] *Id.* 749–50.

[122] *Id.* 747–48.

The Chicago Legal Services attorneys, Sweeny and Williams, who initiated negotiations with police and prosecutors, also negotiated with the judges. They observed the same practices noted by Parnas. They particularly criticized a judge who stated in a radio interview that he always asked battered wives if they had been "faithful" to their husbands. They asserted that it was a common practice among judges to tell battered wives to "kiss and make up." Judges in Chicago routinely refer women to divorce court and dismiss the criminal charges without inquiry into the allegations or circumstances of the case.[123] Negotiations with the Chicago judges commenced in November 1976 are being continued by Candice Wayne of the Battered Women's Law Project.

In New York Family Court, judges presiding in civil, family offense proceedings for injunctions, called orders of protection, hardly ever impose jail sentences for contempt for violation of prior orders, although the complete case history is always before the court. This is in spite of the option to sentence a man to serve this time at night and on weekends so that he can keep his employment.[124] Judges avoid making decisions by issuing "mutual orders of protection," ordering each party not to harm the other. This has the negative effects of holding the woman equally guilty for the beating she suffered and relieving the wife beater of responsibility for his violence. Allegations of battering are viewed as shams used by wives to gain a weapon to achieve control over their husbands.[125]

Some judges are reluctant to grant any relief. A woman who had been beaten frequently during 18 years of marriage sought an order of protection in Brooklyn Family Court. She decided that she needed help because the beatings were getting more severe and more frequent. The judge told her that he was not granting her an order of protection, even though the beatings were not denied but only minimized by her husband. The judge ordered both parties to go for counselling. The woman protested that she had tried counselling, but it did not work. The judge was adamant. The husband felt vindicated. The woman sued for divorce because she believed she could be safe only if she no longer lived with her husband.

This woman said she felt that the judge was more critical of her failure to take action against her husband before this court proceeding than of her husband's violence. The judge's attitude was, "If you never tried to get help before, then I will not try to help you now." Her years of sacrifice and suffering to keep her family together were being turned against her. She was treated as the culpable party for fulfilling the role of patient wife and dutiful mother.

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[123] Letter from Eileen P. Sweeney and Lucy A. Willims to Hon. Eugene L. Wachowski, Nov. 5, 1976, on file at Brooklyn Legal Services.

[124] *See*, Maitland, "Courts Easy on Rising Family Violence," *New York Times*, June 14, 1976, p. 1, col. 3.

[125] Interview with a New York City Family Court Probation Service supervisor, Sept. 24, 1976.

Criminal court judges in New York are equally reluctant to incarcerate wife beaters. An unprecedented sentence of unsupervised "probation" was imposed on a man who had cut his wife above the eye with a piece of broken glass. Judges continue to refer battered wives' complaints to family court even though this transfer power was repealed effective September 1, 1977, and the prosecutors show them the new law.

Judges persist in their belief that a divorce will cure the "family problem." In a recent case in Brooklyn a judge told the defendant that if he did not fight the divorce action he would consider dismissing the indictment for attempted murder. This discussion took place after the prosecutor requested that bail be revoked because the defendant was telling his wife's friends that he was going to kill her. Even though the victim was in hiding with her 8-month-old child, these threats made her fearful. She had been beaten five times during her pregnancy and had been stabbed four times during the attack that was the basis of the indictment. Her husband's continued pursuit of her finally led the prosecutor to take her and her child into protective custody in a secured hotel used for endangered material witnesses.

When confronted with unmarried women assaulted by men friends or former husbands, in which case New York Criminal Court has always had exclusive jurisdiction, judges often dismiss complaints on the defendant's unenforceable promise to stay away from the victim. A man who had brutally beaten a former woman-friend so that she required hospitalization four times was released without penalty each time on his promise to leave the woman alone. The detective who had repeatedly arrested this cruel man was so frustrated with the court's refusal to sentence the man as a violent criminal, that he wrote an "Op. Ed." article, for the *New York Times.*[126] Thus, the repeat offender who is charged again has a record of acquittals and, if he were finally convicted, it would be as a first offender instead of as a recidivist.

Prosecutors are prohibited from appealing dismissals or dispositions of the types described above because they are technically on the merits. Without appellate review, judicial discretion is virtually unfettered. In New York, even the passage of strong new laws accompanied by much publicity did not quickly change judicial attitudes. Negotiation is the only tool and its success depends completely upon the good will and openmindedness of the judges. Decisions are not written when judges routinely dismiss wife beating charges. Only a campaign of citizen court watching can compile the data to prove judicial practices and note the kind of prejudiced remarks often heard from judges. Attempts to change judicial practices will indeed prove the most difficult.

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[126] Hart, "Thomas Promised That He Would," *New York Times*, June 10, 1975, "Op. Ed."

Several simple reforms could be made immediately. Pretrial release on recognizance and release on bail should be conditioned upon the defendant's staying away from his wife, her place of residence, work, or school. Communicating with the children should be by telephone or letter, and visiting should be away from their mother's home. In cases in which the children were also victims, the court should deny the defendant any contact with the children. Upon conviction for a first offense, a sentence of probation could be similarly conditioned. Although courts have this inherent power, judges fail to exercise it. Prosecutors should repeatedly seek these conditions as a way of educating judges. The New York State Legislature expressly gave judges the authority to condition pretrial release and sentences of probation so that battered wives are not compelled to live with their assailants pending trial for criminal assault or harassment. Violations of the conditions should be punished by revocation of the release.

Police, prosecutors, and judges treat battered wives with mistrust. Women seeking aid from the criminal justice system are regarded as inherently untruthful, as though they were trying to misuse the courts to achieve an illegitimate purpose. Women must be treated with the same respect and belief accorded to men in courts. Battered wives should be believed to the same extent as male victims of crime. Now that the extent and seriousness of wife beating is becoming known, battered wives can be recognized as the experts that they are with respect to their husbands' capacity for physical violence and emotional torture. As the courts have ceased their former abuse of rape victims, they must reform their treatment of battered wives.

Spouse Murder

There were 2,359 spouse murders in 1975 reported in the FBI *Uniform Crime Reports*. This was 11.5 percent of the total number of criminal homicides committed in that year. "Romantic triangles and lovers' quarrels" accounted for another 7.3 percent of the murders in 1975. The wife was the victim in 52 percent and the husband was the victim in 48 percent of the 1975 spouse murders.[127] More than 20 years earlier, the same proportion of wife to husband victims was found in a sample of 100 spouse murders; 53 wives and 47 husbands were slain.[128]

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[127] *1975 Uniform Crime Reports* 18–19.

[128] Wolfgang, *Patterns in Criminal Homicide* 212 (1958).

270

A 1960s study of 200 women imprisoned in California found that 63 of these women had killed their husbands or "lovers."[129]

Sociologist Marvin E. Wolfgang examined all of the 588 criminal homicides committed in Philadelphia between January 1, 1948, and December 31, 1952.[130] He found that when women killed men they always used weapons to overcome the males' greater strength, but that beating was the method men used to kill women in 23 percent of the cases in which women were the victims.[131] Women were more likely then men to be killed where they lived. Of all women killed, 68 percent were killed in the home (as opposed to the street or public places), whereas 46 percent of all men killed were killed in the home. But 55 percent of those women killed in the home were killed in a home they shared with their assailant. In comparison, 35 percent of men killed in the home were killed in a home they shared with their assailant.[132] Wives killed by their husbands constituted 41 percent of all women who were killed, although husbands killed by their wives make up "only 11 percent" of all men who were killed.[133]

Wolfgang developed the concept of "victim-precipitated" homicides. He defines them as "those criminal homicides in which the victim is a direct, positive precipitator in the crime." The victim is the first person to use physical force against his eventual murderer.[134] Applying this analysis to spouse murders, he found that 28 husbands and 5 wives were victims of victim-precipitated homicides, but in non-victim-precipitated homicides, 19 victims were husbands while 48 were wives.[135] These factors had an effect on convictions and sentences of spouse murders. More husbands than wives were found guilty. Wives were acquitted in 34 percent of the cases, but husbands were acquitted in only 4 percent. Husbands were convicted of more serious degrees of homicide than were wives. None of the wives but one-third of the husbands were convicted of first-degree murder.[136] (See table 1.)

This differential treatment was based on the differences in the actions of the defendants and their victims.

> Close examination of these mate slayings reveals, however, that it is not necessarily true that the courts treated wives with unjustifiably greater leniency than they did husbands, for in 28

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[129] Ward *et al.*, "Crimes of Violence by Women," in 13 *Crimes of Violence* 868 (Staff Report, U.S. National Commission on the Causes and Prevention of Violence [1970] (Hereafter, "13 *Crimes of Violence*").

[130] Wolfgang at 15.

[131] *Id.* 85–87, 215–16.

[132] *Id.* 123.

[133] *Id.* 213.

[134] *Id.* 252.

[135] *Id.* 260.

[136] *Id.* 217.

TABLE 1

	Husband	Wife	Total
First degree murder	10	—	10
Second degree murder	10	4	14
Voluntary manslaughter	10	15	25
Involuntary manslaughter	4	7	11
Total	34	26	60

	Husband	Wife	Total
Guilty	34	26	60
Not guilty	2	16	18
Nolle prosequi	2	2	4
Pending	3	2	5
Suicide	10	1	11
Died before trial	1	—	1
Fugitive	1	—	1
Total	53	47	100

Source: Marvin E. Wolfgang, *Patterns in Criminal Homicide* 216 (1958).

> cases of female defendants, the husband had strongly provoked his wife to attack, and, although she was not exonerated on grounds of self-defense, there had been sufficient provocation by the husband (as victim) to reduce the seriousness of her offense. In contrast, provocation recognized by the courts occurred in only 5 cases in which husbands killed their wives.[137]

The motives for spouse murders are often veiled behind the police use of the label "domestic dispute." Wolfgang relied upon the police designations of "domestic quarrel," and "jealousy," "altercation," and argument "over money." He noted that these were the reasons for 80 percent of all criminal homicides.[138] Wilt and Bannon reviewed the offenders' statements to obtain more depth than the motives ascribed by the police. They tried to find the conflict that immediately preceded each homicide, the conflict history of victim and offender, the sex and parental role concepts, and the economic role concepts of the parties. There were 57 spouse murders among the 294 conflict-motivated homicides they studied. The most frequently recurring (53 cases), immediately precipitating pattern was the verbal challenge between husband and wife that developed into physical conflict ending in murder. In 32 of these cases the victim was the first to make a threat to kill, which led the offender to get a weapon. In the other 21 cases resulting from this pattern, the offender started the argument and had a weapon from the beginning of the conflict. The offenders in this group intended serious harm or murder from the outset of the fight.[139] The discussion of conflict histories includes the spouse murder cases in the broader category of 90 family killings. There were 62 of these cases that were preceded by histories of frequent arguments and/or physical fights by the offender with the victim, or with the victim and others.[140]

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[137] *Id.* 217; Danyluk and Herbert, "Killer of Husband Spared by Weeping Judge," *New York Daily News*, Dec. 17, 1976, p. 7, col. 4.
[138] Wolfgang at 324.

Wilt and Bannon analyzed the way the victim and offender perceived their sex roles. In 21 cases husbands insulted their wives and then physically attacked them. These men "indicated to their wives that they should accept their husband's insults passively."[141] Husbands ordered their wives to do something for them and then began either shouting at or beating their wives for not performing the task satisfactorily in 18 other cases. Fatal conflicts were precipitated in 13 instances by men insulting their wives, and then telling their wives they deserved to be killed or threatening to kill their wives. In three cases the wife insulted her husband in the presence of others. The husband reacted by physically attacking his wife, "indicating that she was not going to 'get away with' that sort of behavior." In two instances women insulted and then physically attacked their husbands when there were objections to the insults. Wilt and Bannon concluded that these cases were examples of one spouse defining the other "as an object of personal property and acting on the basis of that definition." Their investigation showed that the husbands acted this way toward their wives much more frequently than did the wives toward their husbands (55 times for the husbands, compared to 5 for the wives).[142]

It appears from the studies conducted by Wolfgang and by Wilt and Bannon, and from other research, that wives murder their husbands after abuse by the husbands. During 1976, 40 percent of the 132 women detained in Cook County jail on charges of killing their male partners had been assaulted several times by the men they killed.[143] The superintendent of the Illinois State prison for women estimates

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[139] Wilt and Bannon in *Domestic Violence and the Police* 37.

[140] *Id.* 39.

[141] *Id.*

[142] *Id.*

[143] "Study of Female Killers Finds 40% Were Abused," "Around the Nation," *New York Times*, Dec. 20, 1977, p. 20, col. 8.

273

that one-third of the women in her custody convicted for killing their husbands or lovers had been beaten by those men.[144]

The theory that women kill after being repeatedly beaten by their husbands is supported also by the recently publicized cases of Roxanne Gaye and Francine Hughes. Both of these women murdered their husbands after years of extreme physical and emotional abuse.[145] Gaye is in jail pending trial. Hughes is free, having been found not guilty by reason of temporary insanity. A Washington, D.C., physician's wife was twice found guilty of murder for shooting her husband who beat her while she was pregnant with their second child. An appeal is pending.[146] A Montana woman was acquitted of murdering her husband after suffering years of beatings by him. A New York City woman was sentenced to 5 years' probation after being found guilty of stabbing her husband who had beaten her frequently.[147] All of these women had children under 18 years of age.

Spouse murders have a greater social and economic cost than other homicides because the incarceration of the offenders makes orphans of their children.[148] A study of women in prison for murdering their husbands or companions should inquire into the history of their relationship with their victim and who is caring for and supporting their children. This could document the hidden social and economic costs of the orphaned children of battered wives, as well as the potentially lethal consequences of wife beating.

Definitions of self-defense and victim provocation are being expanded to provide the basis for acquittal and light sentences when husband murders are committed by wives who have been the victims of years of wife beating. A wife's conviction for murdering her husband was reversed because the trial court failed to charge the jury that the defendant had no duty to retreat from an assailant in her own home.[149] These defenses raise difficult problems for a society that seeks to deter murder by making it unrewarding and unnecessary. Is someone who has killed a danger to society as one who lacks impulse control or as a model of permissible antisocial behavior? Is the punishment to be tailored depending upon the circumstances of the homicide? If the answer to the first question is, not always, and to the second question, yes, then the next problem is to define the mitigating circumstances so that the conflicting social goals of murder deterrence and individual safety are both advanced.

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[144] As related in an interview with Candice Wayne, Esq., Dec. 5, 1977.

[145] Cook, "Battered Wife Campaign Focusing on Women Charged with Murder," *New York Times*, Aug. 12, 1977, p. B3, col. 5; Jacoby, "Hers," *New York Times*, Dec. 1, 1977, p. C2, col. 1, discuss the Gay and Hughes cases, respectively.

[146] United States v. Ibntamas, Appeal #12614, United States Court of Appeals, D.C. Circuit.

[147] Danyluk and Herbert, "Killer of Husband Spared by Weeping Judge," *supra*.

[148] cf. "Parents in Prison, Forgotten Children Find Home in School," *New York Times*, Nov. 17, 1977, p. 35, col. 1.

[149] People v. Paxton, 47 Mich. App. 144, 149, 209 N.W. 2d 251, 253-54 (1973).

In the most extreme cases husbands have kept their wives and children prisoners, or have tracked their fleeing wives across the country to continue their assaults, or have made threats against the lives of their wives' parents or the children should the wives attempt to escape.[150] Wife beating takes place in the home the victim shares with her attacker.[151] This frequently leaves the victim nowhere to go to escape from her husband's attacks, which she knows are increasing in frequency and severity. Finally, society has failed or refused to protect the battered wife or to restrain her attacker. Under these limited conditions, her act of murder could be held to be self-defense or to be prompted by mitigating provocation, without creating a danger to society.

Wife abuse entails not only extreme physical punishment, but extraordinary degradation of the woman.[152] A person whose sense of self-worth has been destroyed in this way is not deterred by the probability of punishment for murder. She may believe that she is worthless and deserves to go to prison. She may see prison as better than her present existence with its constant brutality. The woman who suffers in this way may be considered to be temporarily insane and therefore not guilty of murder. Each case must be evaluated so that it is clear that these defenses will succeed only when escape is practically impossible, or the offender is not capable of knowing the meaning of her act.

Ward, Jackson, and Ward, who conducted the California women's prison study, drew two conclusions from their findings. The first is that "in order to prevent a major portion [one-third] of the criminal violence in which women engage, one would have to do something about unhappy [violent] marriages and love affairs." Secondly, they point out that there is a trend toward increased violence by women, which may be "accelerated as women become emancipated from traditional female role requirements."[153]

These theories have grave implications for increases in spouse murder resulting from husbands treating wives as objects of property. The traditional role of wife as servant who may be chastised by her husband is being rejected by women. If women are unable to get help from society to extricate themselves from such violent relationships, or to restructure these relationships, they may increasingly turn to violence as the only apparent resolution. When ultimately lethal confrontations take place between spouses, it has been shown that either party could become the victim.

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[150] Martin, *Battered Wives*, 76–86; Eisenberg and Micklow, 3 *Women's Rights L. Rep.* 144–45.

[151] Gelles, *The Violent Home*, 93–110.

[152] Martin, *Battered Wives* 1–8, 76–86; Wilt and Bannon, *supra*, at 39–40; Eisenberg and Micklow, 3 *Women's Rights L. Rep.* 144–45.

[153] 13 *Crimes of Violence* 907.

Society has an obligation to make this type of murder unnecessary and to make the alternative of escape possible and rewarding. Meaningful responses to the needs of battered wives will save the lives of women and men. Studies have presented the patterns that precede spouse murder. Study is needed to determine the significant differences between those wife beating situations that result in murder and those that are ended by other means. The various methods of peaceful resolution should be analyzed to determine their frequency and their efficacy for the family members. The patterns of conduct and relationships present in the histories of each of the violent groups should be compared with those of families in which wife beating has not existed. From the results, conclusions could be reached about the types of services and intervention that bring about the most effective, peaceful end to wife beating and that may prevent family violence. Policies can then be designed that will make homicide an unnecessary means of ending wife beating and make life outside of prison satisfying enough to make murder unrewarding.

Criminal Statutes

The relationship of murder victim and offender are carefully recorded. Antecedent incidents of wife beating are, however, subsumed under the general categories of violent crimes and offenses variously denominated: attempted assault, simple assault; aggravated assault or assault and battery; attempted murder, assault with intent to maim, and murder; harassment; menacing; reckless endangerment; and criminal trespass. Commentators have noted that, because the relationship of victim and offender is recorded for murder only, the true extent of serious wife beating is hidden in the criminal assault arrests and convictions.[154]

It has been suggested therefore that a mandatory registry of wife beating incidents similar to that used in child abuse cases be established. The record created would help identify repeat victims at an early stage and facilitate appropriate medical and police intervention. Enacting this proposal, however, would lead to violations of the civil liberties and civil rights of those women who are not willing to be identified as battered wives. Physicians making reports would violate the women's privilege of confidential communication with physicians and the women's right to privacy. Compulsory reporting may discourage battered women from seeking emergency medical care. Although battered wives' alternatives are restricted by economic and social factors, they are not as helpless as battered children. Constitutional rights of due process and equal protection, freedom of expression (or silence), and privacy are antithetical to the notion that helping institutions should become the conservators of otherwise competent battered wives. The courts stand in *parens patriae* for children but not for adults. A voluntary registry for those women who request aid, in individual hospital emergency rooms and local police agencies, however, does not suffer from civil rights and civil liberties impediments.

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[154] Eisenberg and Micklow, 3 *Women's Rights L. Rep.* 140–41; Jackson, "In Search of Equal Protection for Battered Wives" 1–2; Martin, *Battered Wives* 10–11; 1975 *Uniform Crime Reports* 18–21. The United States National Commission on the Causes and Prevention of Violence conducted its own survey in 1967 to ascertain the relationship of victim and offender in aggravated assault cases. United States National Commission on the Causes and Prevention of Violence, Staff Report, 11 *Crimes of Violence* 206 (1970).

Commentators generally agree that the existing criminal statutes are adequate to provide protection for battered wives.[155] Rather it is the police, prosecutor and judicial policies and practices of nonenforcement, coupled with careless referrals, and the difficulties in application of the law of arrest which create the problems for battered wives seeking protection.[156] Most jurisdictions prohibit police officers from making arrests for misdemeanors not committed in their presence. Arrests may be made for felonies, however, even though the officer did not witness the commission of the crime. The California felony wife beating statute enacted in 1945 permits an officer to make an arrest for an act of violence not committed in his presence even though such violence would not be a felony were the victim someone other than the assailant's wife (or child).[157]

Elizabeth Truninger, in her analysis of legal remedies available to battered wives, states that medical evidence of injuries or visible bruises are required under caselaw to sustain a charge of felony wife beating. She found several weaknesses in the application of this statute. Police and prosecutors are unwilling to apply it because they are reluctant, based on a lesser degree of injury and intent, to make the felony charge permitted by this statute. They are concerned that the higher bail imposed in felony cases could result in prolonged pretrial detention and cause the family economic hardship. Truninger believes that the delay due to the indictment process might discourage wives from following through. She states that victims often fail to obtain medical treatment which would provide the evidence necessary to prove the injuries at trial. She concludes, "this statute can provide little protection to the wife."[158]

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[155] Eisenberg and Micklow, 3 *Women's Rights L. Rep.* 146–51; Jackson, "In Search of Equal Protection for Battered Wives" 1–2; Martin, *Battered Wives* 87–89, 100–01; Parnas, 1967 *Wis. L. Rev.* 955–60.

[156] Bruno v. Codd, Complaint, pp. 77–83; Eisenberg and Micklow, 3 *Women's Rights L. Rep.* 156–61; Martin, *Battered Wives* 90–92; Truninger, 23 *Hastings L.J.* 261–65, 270–76.

[157] Cal. Pen. Code §§273d, 240, 241, 242, 243, 245, 836.

Truninger and the plaintiffs in *Bruno v. Codd,* the New York suit seeking an injunction against illegal and prejudicial police policies and practices, believe that the police should be required by statute or administrative regulation to advise battered women of their right to make a citizen's arrest when there is not sufficient basis for an arrest by police officers.[159] This common law right, which has been codified in most jurisdictions, could be a useful procedure for removing the wife beater from the family home for a few hours to enable the woman and children to escape. It may be the only practicable way to overcome the police practice of nonarrest and to provide protection in those cases in which the victim knows that the violence will continue after the police refuse to arrest. Another legislative proposal designed to mitigate the effects of police and prosecutor nonenforcement is requiring police officers to record the relationship of victim and assailant whenever there is an allegation of assault, and what the officer did in response. Finally, most analysts urge the expansion and simplification of civil injunctions as noncriminal remedies that are often effective in ending wife beating.[160]

Civil Statutes and Judicial Interpretation

In most States civil injunctions or restraining orders against a spouse's violence are available only during the pendency of a matrimonial action.[161] Violations of these orders are punishable by imprisonment for civil contempt of court. Eisenberg and Micklow and Martin discuss several weaknesses in this apparently satisfactory remedy. Police do not enforce these civil court orders. If a battered wife calls the police because her husband has beaten her, thereby also violating her restraining order, the police tell her to call her lawyer and refuse to arrest even for the crime of assault.[162] Some lawyers do not request restraining orders because they believe this type of preliminary injunction is ineffective and impedes favorable financial settlement for the wife. Finally, judges are reluctant to order jail for contempt. One judge uses the technique of holding both the wife and husband in contempt when the wife complains of violations of the restraining order.[163] Truninger, commenting on this remedy, is critical of the technical paperwork requirements, which necessitate an attorney, and the additional requirements of filing for marital dissolution.[164]

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[158] Trunninger, 23 *Hastings L.J.* 262–65.

[159] Truninger, 23 *Hastings L.J.* 276; Bruno v. Codd, Complaint, p. 98.

[160] Field and Field, 47 *Social Service Rev.* 237–39; Parnas, 9 *Crim. L. Bull.* 750–55; Truninger, 23 *Hastings L.J.* 273–74, 276.

[161] Cal. Civ. Code §4359 (West Supp. 1971); Ann L. of Mass. C.208 (1975); Mich. GCR 723.3 (1964).

[162] Eisenberg and Micklow, 3 *Women's Rights L. Rep.* 153–55; Martin, *Battered Wives* 105–09.

[163] Eisenberg and Micklow, 3 *Women's Rights L. Rep.* 153–55.

Several States have enacted a form of plenary, civil injunction proceeding without the requirement of first commencing a divorce action. The injured spouse must establish that the other spouse has committed acts that would constitute a crime—harassment, menacing, attempted assault, or assault—by a preponderance of the evidence. Since the proceeding is civil in nature, it has this lower standard or proof and does not give the husband a criminal conviction record.

From September 1, 1962, to September 1, 1977, in New York State the Family Court had exclusive original jurisdiction over all crimes, other than attempted murder and murder, between family members residing in the same household.[165] Now there is concurrent jurisdiction exercised by the criminal courts and the Family Court and the victim selects the forum. Family Court may still issue orders of protection, which are civil injunctions that direct the respondent to cease his offensive conduct. They may also order the respondent to seek counselling, to move from the marital residence, grant one-party custody of the children, and set visitation conditions. Contempt is punishable by up to 6 months in civil jail, which could be served overnight and weekends to permit the offender to keep his job and support his family.[166] Because of possible imprisonment, even though there is no State prosecutor and the petitioner does not have a right to free counsel, the respondent has a statutory right to assigned counsel as in a criminal prosecution.[167] This is a procedural weakness that often prevents distressed and inarticulate women from obtaining relief. Both parties should have a right to counsel.

The purpose of the Family Court proceeding is to provide the victim with protection and to preserve the marriage. It provides a nonpunitive alternative to criminal prosecution and a basis for reconciliation of the parties. Unfortunately, this New York law applies only to those who are legally married or related by blood or affinity to the second degree, and are residing together.[168] *De facto* families, even those with children, were intentionally excluded by the legislature. There is no session of New York Family Court at night or on weekends. A woman attacked on Friday night must wait until Monday morning to commence a civil proceding for an order of protection. If a woman elects to seek a criminal prosecution, she may not also request an order of protection from Family Court, but may seek this relief in the criminal court.[169]

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[164] 23 *Hastings L.J.* 267–68.

[165] N.Y. Family Court Act §812 (McKinney 1977).

[166] N.Y. Family Court Act §846 (McKinney 1977).

[167] N.Y. Family Court Act §262 (McKinney 1977).

[168] McKinney, New York Sessions Laws 1977, ch. 449, Family Court Act §812, attached as appendix B.

Pennsylvania Act No. 218 of 1976, the "Protection from Abuse Act," does not have the limitations of its New York counterpart. Any "persons living as spouses, parents and children, or other persons related by consanguinity or affinity" may seek a protection order under this act.[170] Those who cohabit as though they were a family unit and those who are related even though they are not residing together may use this civil injunctive remedy.[171] Jurisdiction over these injunctions was vested in the State court of general jurisdiction because of the power to grant the victim exclusive use of real property owned by the offender.[172] Emergency relief may be granted by lower courts on weekends when the court of general jurisdiction is not in session.[173] The civil injunctive relief provided by this statute is in addition to any other civil or criminal remedy available under Pennsylvania laws.[174] A drafting oversight, which will be corrected, was the omission of a provision empowering the police to arrest for violation of protection orders.

Civil injunctions provide the wife who does not wish to have her husband prosecuted on criminal charges or to seek a divorce with an alternative remedy that may give her protection. A court order directing the offender not to strike, menace, harass, or recklessly endanger his wife will in most cases be sufficient to stop the attacks. Much of the effectiveness of such orders will depend upon the general public's knowledge that they are enforced by sentences for contempt. If the offensive conduct does not cease, or is resumed after a hiatus, then the victim may realize the need for the more drastic legal remedies of criminal prosecution or divorce. Thus, the injunctive remedy can be useful even when it is not successful in ending the violence.

Decisions interpreting cruelty divorce laws reveal the extent of judicial insensitivity to wife beating. Most States have no-fault divorce or dissolution of marriage, but apply previously established marital fault standards in determining custody, child support, alimony, property use, and property distribution. Michigan is a no-fault divorce jurisdiction in which fault is still assessed in deciding these collateral issues.[175] For this reason Eisenberg and Micklow analyzed the

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[169] *Id.* Family Court Act §812; Criminal Procedure Law §530.11.

[170] Penn. Act No. 218 of 1976, §2 (hereafter "Act No. 218").

[171] Act No. 218, §6, attached as appendix B.

[172] Act No. 218, §2.

[173] Act No. 218, §8.

[174] Act No. 218, §9.

[175] Kretzschmar v. Kretzschmar, 48 Mich. App. 279, 285, 210 N.W.2d 352, 356-57 (1973).

Michigan cases construing physical and mental cruelty grounds prior to no fault.[176]

The Michigan courts recognize defenses of provocation, recrimination, and condonation to a wife's allegation of physical cruelty. A wife was deemed to have provoked her husband's violence by refusing sexual relations, failing to prepare the children's breakfast, refusing to take her husband's business messages, and absenting herself from home overnight. The Michigan Court of Appeals held this course of mental cruelty by a wife was justifiable provocation of her husband's physical cruelty and therefore affirmed the trial court's dismissal of the wife's counterclaim for separate maintenance.[177]

New York is one of the few remaining fault-only jurisdictions. Until 1976 case law required a "continuous course of cruel conduct" to sustain an action for divorce based upon "cruel and inhuman treatment."[178] Although the initial decision enunciating this requirement was in a case in which mental cruelty was alleged, this standard was later applied to a case in which two beatings were charged.[179] In *Echevarria v. Echevarria,* the trial court and four out of five intermediate appellate judges held that two beatings separated by an interval of 4 years did not satisfy the statutory standard of cruel and inhuman treatment that made it unsafe or improper for the wife to cohabit with her husband.[180]

The plaintiff testified that her husband had beaten her just after the parties were married. He struck her repeatedly with his hands all over her face, head, and body. The second beating took place 4 years later. She testified that it was "much more cruel," made her fearful and nervous, and caused her to move out of the marital residence. Plaintiff's credibility was never in issue. Defendant did not deny the assaults; he stated only that he did not want a divorce. The trial court believed plaintiff's testimony, but held as a matter of law that she failed to present a *prima facie* case.[181]

The New York Court of Appeals unanimously reversed the lower courts, holding that one beating is sufficient basis for a divorce because it is comprised of a series of acts.[182] Prior to *Echevarria,* there was no judicial statement of what was the minimum physical cruelty a woman had to suffer to have grounds for divorce and to be justified in leaving her spouse. Cases had held that a single slap or shove were insufficient to entitle the recipient to a divorce.[183] Thus, the importance of the *Echevarria* decision lies in its recognition of a single beating as grounds for a cruelty divorce.

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[176] 3 *Women's Rights L. Rep.* 151.

[177] Metcalf v. Metcalf, 28 Mich. App. 442, 445–46, 184 N.W.2d 560, 562 (1970); 3 *Women's Rights L. Rep.* 151–53.

[178] Rios v. Rios, 34 A.D.2d 840 (1st Dep't., 1971).

[179] Echevarria v. Echevarria, 48 A.D.2d 681, 682 (2d Dept., 1975).

[180] *Id.* ; N.Y. Domestic Relations Law §170 (McKinney 1977).

[181] Echevarria v. Echevarria, 40 N.Y.2d 262 (1976).

[182] *Id.*

Even though the law is clear in New York, this one-beating standard is not always applied. A wife seeking to escape her husband's cruelty will have a difficult time in any State. Civil court calendar delays make it virtually impossible to get emergency relief. When temporary relief is granted, judges frequently refuse to "throw a man out of his house." So it is the wife who must leave. Many lawyers advise a battered wife client not to move from the marital residence because she could lose her property rights. Courts are intolerant of a woman who abandons her children. Regardless of the danger to her safety, if she leaves home without her children it will be difficult for her to win custody when she establishes a safe home of her own.

In fault-only jurisdictions, if she leaves before the beatings become frequent or serious, she may not have grounds for divorce. In States retaining fault defenses to alimony and distribution of property, a fleeing wife appears to have abandoned or deserted her husband. Proving the abandonment is easy: the wife left the marital home. Defending against it is difficult without corroboration of her testimony. Wives of professionals or businessmen have a hard time proving physical cruelty unless they have photographs, witnesses, or medical reports. Judges are deferential to and identify with high-status men. They do not believe wives who claim that these men have committed the "lower class" act of wife beating.[184]

Crowded court calendars make the legal process work in favor of the husband who controls the family income and assets. Getting temporary alimony or maintenance and child support can take months, sometimes as long as the dissolution itself. A woman may be forced to stay with her husband during the divorce action, unless there is a relative willing to take her in with her children or a refuge for battered women. In community property States, the woman may be in no better financial position, because after the divorce or dissolution the litigation to define the community property can continue for years. The ultimate legal irony is that even when the battered wife gets an award for alimony and child support, it is usually too low for her to maintain herself and the children, and too many times it is not paid at all.

A 10-year study of court-ordered child support in an unidentified Wisconsin metropolitan county showed that only 38 percent of husbands fully complied with the child support provisions of divorce judgments less than 1 year old. Forty-two percent failed to make any payments in the first year after judgment. As the age of the judgment increased to 10 years, the number of fully compliant husbands dwindled to 13 percent, while the number of nonpaying husbands grew to 70 percent.[185]

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[183] Rios, *supra* ; Cinquemani v. Cinquemani, 42 A.D.2d 851 (2d Dep't., 1973); "Single Act as Basis of Divorce or Separation on Grounds of Cruelty," 7 A.L.R.3d 761.

[184] *See* Wells v. Wells, 6. Mich. App. 434, 149 N.W.2d 213, 214–15 (1967).

A current study of child support compliance in 10 Illinois urban and rural counties reveals that, of judgments entered in 1965, 56 percent were fully complied with and 20 percent were not at all complied with during the first year of the judgment. By the fifth year of the judgment, full compliance dropped to 37 percent and noncompliance rose to 33 percent. For judgments entered in 1970, there was full compliance in 43 percent and noncompliance in 33 percent of the cases during the first year. In the fifth year full compliance dropped to 18 percent and noncompliance rose to 65 percent.[186]

Federal Government statistics on women's wages show that the earnings of all working women lagged 75 percent behind those of all working men in 1974. That year 53 percent of employed women earned less than $7,000 while only 18 percent of working men earned less than $7,000. Eighty-two percent of working women earned less than $10,000 a year.[187] Because separated or divorced women cannot rely on continued payment of support and can find only low-paying employment, many battered wives stay with their husbands.

Some State welfare officials compound this economic pressure by refusing to give either emergency or permanent public assistance to married women whose husbands are willing and able to support them. Women with no assets or income of their own who have left their homes to escape from physical brutality are denied aid and told to return to their husbands. Last summer in two separate cases Brooklyn welfare department employees called husbands to ascertain if they were willing to support their wives. Both husbands said they were supporting their wives, so the welfare workers denied assistance and sent the women home. New Federal welfare regulations should be published clearly stating the welfare eligibility for battered wives and their children so that the States cannot continue to deny them assistance.

Many of these civil legal problems could be surmounted if there were adequate free legal counsel available for battered women. The Legal Services Corporation, created and funded by Congress, places low priority on family law and fails to recognize the emergency nature of battered wives' problems. Local offices handle many undefended divorces, but they have long waiting lists and do not regard wife beating cases as requiring immediate, out-of-turn attention. The few battered women's law projects or special units devoted to women's issues are supported by private foundations and Comprehensive Education and Training Act Grants. The Litigation Coalition for Battered Women, composed of attorneys from three neighborhood legal service offices in New York City, was denied an ongoing "special needs grant" from Legal Services Region II. The coalition provides emergency individual as well as group representation to battered wives. The coalition represents the plaintiffs in *Bruno v. Codd,* provides legal assistance to two shelters, aids groups all over New York State seeking to form shelters, assists legislators in drafting innovative laws, and gives technical litigation assistance to groups throughout the country. The Corporation should allocate some of its increased funding to establish specialized units to represent battered wives in divorce and separation actions and in welfare cases.

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[185] K. Eckhardt, "Deviance, Visibility, and Legal Action: The Duty to Support," 15 *Social Problems* 470, 473-74 (1968).

[186] W. D. Johnson, "Child Support: Preventing Default," 16 *Conciliation Court Rev.* 27, 32 (June 1978).

[187] United States Department of Labor, *The Earnings Gap Between Women and Men* 1 (1976).

Another possibility is to establish the right to counsel in divorce actions. States have exclusive control over the creation and dissolution of marriage.[188] Even though the State is not a direct participant in the divorce action, it exercises a greater degree of control than in any other civil dispute between private citizens. Unlike other controversies that may be settled, the dissolution of a marriage *must* be adjudicated.[189]

Strict State control of this basic human relationship involving the parties' liberty and right of association raises divorce actions to a constitutional plane higher than that of other civil litigation and creates a right of access to the courts to commence a divorce action.[190] The United States Supreme Court has consistently recognized this extraordinary legal position of marriage and divorce.[191] Divorce proceedings are technically complex, requiring the filing and service of summons, pleadings, and judgment, as well as testimony. When a judicial proceeding is technical and its possible consequences are serious, the Court has held that due process includes the right to counsel even though the proceeding is civil.[192] Thus, the nature of the proceeding and its impact on individual rights gives rise to the right to counsel in divorce actions. This theory has not, however, found favor in the State courts.[193]

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[188] Boddie v. Connecticut, 401 U.S. 371, 376–77 (1971); United States v. Kras, 409 U.S. 434, 445 (1973).

[189] New York Constitution, art. 1, §9, for example, requires that a marriage can be dissolved by due judicial proceedings only.

[190] Boddie v. Connecticut, 401 U.S. at 383.

[191] Ortwein v. Schwab, 410 U.S. 656, 658–59 (1973); U.S. v. Kras, 409 U.S. at 444–45; Loving v. Virginia, 388 U.S. 1 (1967); Skinner v. Oklahoma, 316 U.S. 535 (1942).

[192] In re Gault, 387 U.S. 1 (1966); *see* Argersinger v. Hamlin, 407 U.S. 25 (1972).

[193] Matter of Smiley and Monroe, 36 N.Y.2d 433 (1975).

Another important step is to enact new support and alimony enforcement remedies. All support orders should from their inception be paid by payroll deduction order. This way support payments will be assured for as long as the man is employed, and payroll deduction orders will not stigmatize a man as one who has previously defaulted. In addition, men will be saved the emotionally stressful task of writing checks to their former wives.

Initial support orders should provide for payments retroactive to the date of commencement of the support proceeding. This relief would destroy the current advantage gained from delaying a hearing and thereby the court's determination of the prospective support award. Emergency public assistance grants could be repaid from the retroactive portion of the award.

Defaults in support payments are not penalized. The nonpaying spouse has interest-free use of the money he should be paying for the support of his wife and children. Those dependent on the payments often pay interest on money borrowed for living expenses. Arrears owed should be awarded with interest, counsel fees, and court costs to deter support default and to make the recipients whole.

The moving party in a support enforcement action may recover only the arrears accrued at the time of the commencement of the proceeding. Arrears that accrue after the commencement of the enforcement action must be subject to a subsequent proceeding. The spouse who should be receiving support payments must bear the expense and burden of successive actions to recover all that is due under a support and alimony judgment. Statutory provision should be made for amendment of the wife's papers on the date of the hearing of submission of the enforcement application to include any arrears accumulated since commencement of the action. This would also save court time by reducing the number of enforcement proceedings. Of course, husbands have always had the right to present evidence of payments made up to and including the date of the hearing.

A last suggestion for facilitating support enforcement is that attachment of the defaulting spouse's property be mandatory when arrears exceed $1,000 and a payroll deduction order is impracticable. Men with valuable assets but little or no visible income from employment should not be insulated from judgments for arrears. Judges are reluctant to use their contempt powers to sentence a man to "alimony jail." Contempt is a questionable weapon, of limited success in getting the payments needed by the family. Attachment of assets has the advantage of producing income from sale or redemption. If battered wives can rely on support and alimony payments, they may become freer to leave husbands who fail or refuse to cease their assaults.

Finally, the most important aid to battered wives is a shelter where they can safely stay with their children. Shelters provide constantly available emergency refuge. Residents give emotional support by believing and understanding the problems of women fleeing violent husbands. Staff assist the women in obtaining welfare assistance, legal representation, and medical treatment. Publicity about the existence of shelters gives battered wives knowledge that they have alternatives available in times of emergency. From this position of safety and strength, a woman can determine if she wants to try to reconcile with her husband or if she wants to start a new life on her own.

The immediate practical solutions provided by shelters, however, have the effect of clouding the civil rights violations inherent in this response. Shelters are protective prisons where the victims and their children hide from the offender. Battered wives and their children are deprived of their liberty and their property without due process of law. They lose their home, clothing, furniture, toys, and schoolbooks. The wife beater remains at liberty to enjoy the comforts of his home and his usual associations. The offender, who almost always is male, receives all the constitutional and statutory protections the legal system has devised, including the right to counsel and speedy trial. But the female victim has no protection. She is left without counsel to perhaps ultimately get some much delayed relief. Because the legal system cannot effectively restrain the offender, it violates the rights of the victim and her children.

Unfortunately, these basic defects in the way victims are treated will take a long time to correct. While that slow process is proceeding, battered wives need the immediate protection of shelters. For this reason shelters must receive public funding. They cannot feed and house women and children without the certainty of a permanent income. Shelter funding must be a major priority on the Federal and State levels.

Conclusion

The traditional nonresponse policies and practices of institutions called upon to assist and protect battered wives has effectively deprived them of their civil rights and civil liberties. The failure to intervene must be reviewed in light of new information and reformed. The extraordinary position of battered wives should lead to a policy of especially swift and positive intervention.

The Federal Government is in the best position to effect attitude and policy changes with respect to wife beating, as it has with racial discrimination. Training programs for police, prosecutors, and judges should emphasize the seriousness of wife beating and the need for a forceful criminal justice response to provide both protection for the victim and correction of the offender. The Federal Bureau of Investigation should reassess its position that murder in the home is beyond the crime prevention capabilities of the police and look for new techniques to meet the challenge of stopping family violence. The Department of Justice should investigate and sue police and prosecutors who arbitrarily discriminate against battered wives. *Amicus* briefs should be filed in support of battered wives' suits against police and prosecutors in State courts.

Shelter and legal assistance programs should receive direct Federal funding and matching grants with State governments to provide safety and obtain civil legal remedies for battered wives. Federal welfare, housing, and job programs should issue regulations and guidelines to assure that women receive their full share of public benefit programs. Research and demonstration projects should be undertaken to learn the most effective police, prosecutor, and judicial response to family violence. Comparison studies should be conducted to ascertain the differences among families in which there is no wife beating and those in which violence was resolved peacefully and families in which violence was ended by homicide or serious assault. From the results of these studies, programs and policies can be formulated that will facilitate the peaceful resolution of family violence and foster the conditions in which nonviolent family relationships develop.

Appendix A

Profile of a Poor Battered Woman

The following figures were compiled from statistics kept by Brooklyn Legal Services Corp. B.

They reflect a poor to lower middle class urban population.

The statistics were compiled during the period from March 1976 to May 1977.

Rioghan M. Kirchner

Appendix A continued

TOTAL CLIENTS—700
WOMEN—600
MEN—100

OF THE 600 WOMEN

327 or 55% were black
157 or 26% were Puerto Rican
108 or 18% were white
8 or 1% were others

Total number of women beaten during marriage was 357 or 59.5%.

OF THE BEATEN WOMEN

192 or 59% of all black women were beaten
85 or 54% of all Puerto Rican women were beaten
77 or 71% of all white women were beaten
3 or 38% of all other women were beaten

AGE

The beaten women, as a group, were on the average younger than the nonbeaten women.

	Beaten	Nonbeaten
Average age at marriage	21.2 yrs.	22.2 yrs.
Average age at divorce	30.5 yrs.	33 yrs.
Average length of marriage	9 yrs.	10.6 yrs.
Average length of cohabitation	6 yrs.	5 yrs.
Average length of separation prior to divorce	6.9 yrs.	5 yrs.

EDUCATION	**Battered**	**Nonbattered**
Average	10.74 yrs.	9.25 yrs.
Up to 9th grade	72 or 20%	80 or 33%
Some high school	132 or 37%	77 or 32%
Completed High School	105 or 29%	63 or 26%
Completed 1st yr. college	21 or 6%	10 or 4%
Completed 2nd yr. college	19 or 5%	5 or 2%
Completed 3rd yr. college	3 or 1%	4 or 2%
Completed 4th yr. college	5 or 1.4%	3 or 1%
Completed grad. school	1 or 3%	1 or .4%

	Average	**Mode**
WHITE WOMEN		
Total group had	12.48 yrs. ed.	12 yrs. ed.
Beaten women had	12.92 yrs. ed.	12 yrs. ed.
Nonbeaten women had	11.41 yrs. ed.	12 yrs. ed.
BLACK WOMEN		
Total group had	10.87 yrs. ed.	12 yrs. ed.
Beaten women had	11.11 yrs. ed.	12 yrs. ed.
Nonbeaten women had	10.53 yrs. ed.	10 yrs. ed.
PUERTO RICAN WOMEN		
Total group had	9.09 yrs. ed.	10 & 12 yrs. ed.
Beaten women had	9.8 yrs. ed.	10 yrs. ed.
Nonbeaten women had	8.27 yrs. ed.	12 yrs. ed.

OTHER WOMEN

Total group had	6.6	yrs. ed.
Beaten women had	6.5	yrs. ed.
Nonbeaten women had	6.7	yrs. ed.

The educational level of the women seems to have a direct correlation to violence. White women had the highest average educational level; they also had the highest percentage of beaten women. Beaten white women had a higher educational level than that of those who were not beaten. The same holds true for the black and Puerto Rican women. "Other" women do not follow—probably because of their diverse backgrounds and the small number in the sample.

CHILDREN

Battered	Nonbattered
Average 2.2 children	2.4 children
1.78 children of the marriage	1.65 children of the marriage
0.04 out of wedlock	0.66 out of wedlock
10% had no children	14% had no children

PREGNANCY

Battered		Nonbattered	
17%	had children immediately prior to marriage	12%	had children immediately prior to marriage
33%	pregnant at time of marriage	25%	pregnant at time of marriage
19%	became pregnant within 1 year of marriage	12%	became pregnant within 1 year of marriage

TOTAL

69%	pregnant within 1 year prior to or after marriage	59%	pregnant within 1 year prior to or after marriage

26 or 26% of men did not finalize divorce
138 or 23% of women did not finalize divorce
23.5% of battered women did not finalize divorce
22% of nonbattered women did not finalize divorce

BATTERED WOMEN WHO COMPLETED DIVORCE

	Av.	Mode
Age of marriage	21	18
Age of divorce	31	26
Length of marriage	9	5
Length of cohabitation	6	2
Length of separation before divorce	2.8	0–1

BATTERED WOMEN WHO DID NOT COMPLETE DIVORCE

	Av.	Mode
Age at marriage	20	19
Age of application for divorce	29	24, 26 29 & 31
Length of marriage	8.4	3
Length of cohabitation	5.4	3
Length of separation before divorce application	3.4	0–1

Appendix B

Official Advance Copy of Statute Enacted at 1976 Session

No. 218

AN ACT

SB 1243

Relating to abuse of adults and children by a person who resides with them; and providing for remedies and procedures.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short Title.—This act shall be known and may be cited as the "Protection From Abuse Act."

Section 2. Definitions.—As used in this act:

"Abuse" means the occurrence of one or more of the following acts between family or household members who reside together:

(i) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon.

(ii) Placing by physical menace another in fear of imminent serious bodily injury.

(iii) Sexually abusing minor children as defined pursuant to the act of November 26, 1975 (No.124), known as the "Child Protective Services Law."

"Adult" means any person 18 years of age or older.

"Court" shall mean the court of common pleas.

"Family or household members" means spouses, persons living as spouses, parents and children, or other persons related by consanguinity or affinity.

Terms not otherwise defined by this act shall have the meaning given to them by the Crimes Code.

Section 3. Jurisdiction.—The court shall have jurisdiction over all proceedings under this act. The plaintiff's right to relief under this act shall not be affected by his or her leaving the residence or household to avoid further abuse.

Section 4. Commencement of Proceeding.—A person may seek relief under this act for himself or herself, or any parent or adult household member may seek relief under this act on behalf of minor children by filing a petition with the court alleging abuse by the defendant.

Section 5. Hearings.—(a) Within ten days of the filing of a petition under this act a hearing shall be held at which the plaintiff must prove the allegation of abuse by a preponderance of the evidence. The court shall advise the defendant of his right to be represented by counsel.

(b) The court may enter such temporary orders as it deems necessary to protect the plaintiff or minor children from abuse, upon good cause shown in an ex-parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(c) If a hearing under subsection (a) is continued, the court may make or extend such temporary orders under subsection (b) as it deems necessary.

Section 6. Relief.—(a) The court shall be empowered to grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children, which may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff when the residence or household is jointly owned or leased by the parties.

(3) When the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff, or by consent agreement allowing the defendant to provide suitable, alternate housing.

(4) Awarding temporary custody of and/or establishing temporary visitation rights with regard to minor children.

(b) Any protection order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(c) No order or agreement under this act shall in any manner affect title to any real property.

Section 7. Notification.—A copy of any order under this act shall be issued to the plaintiff, the defendant and the police department with appropriate jurisdiction to enforce the order or agreement.

Section 8. Emergency Relief.—(a) When the court is unavailable from the close of business at the end of the week to the resumption of business at the beginning of the week a petition may be filed before a district justice who may grant relief in accordance with section 6(a),(2) or (3) if the district justice deems it necessary to protect the plaintiff or minor children from abuse, upon good cause shown in an ex-parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(b) Any order issued under subsection (a) shall expire as of the resumption of business of the court at the beginning of the week or within 72 hours, whichever occurs sooner; at which time, the plaintiff may seek a temporary order from the court.

(c) Any order issued under this section and any documentation in support thereof shall be immediately certified to the court. Such certification to the court shall have the effect of commencing proceedings under section 4 and invoking the other provisions of this act.

Section 9. Procedure.—Any proceeding under this act shall be in accordance with the Rules of Civil Procedure and shall be in addition to any other available civil or criminal remedies.

Section 10. Contempt.—Upon violation of a protection order or a court approved consent agreement the court may hold the defendant in contempt and punish him in accordance with law.

Section 11. Effective Date.—This act shall take effect in 60 days.

APPROVED—The 7th day of October, A. D. 1976.

MILTON J. SHAPP

STATE OF NEW YORK

S. 6617 A. 8842

1977-1978 Regular Sessions

SENATE-ASSEMBLY

June 15, 1977

IN SENATE—Introduced by Sens. ANDERSON, OHRENSTEIN, BABBUSH, BARTOSIEWICZ, BELLAMY, BRUNO, BURSTEIN, CAEMMERER, CONKLIN, DUNNE, ECKERT, FARBER, FARLEY, FLYNN, GAZZARA, GOLD, GRIFFIN, HALPERIN, LaVALLE, LEWIS, LOMBARDI, MARCHI, MARINO, MASON, McCALL, PADAVAN, PATERSON, PERRY, PISANI, PRESENT, B. C. SMITH, TRUNZO, WINIKOW—read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

IN ASSEMBLY—Introduced by COMMITTEE ON RULES—(at request of M. of A. Steingut, Duryea, Amatucci, Barbaro, Bersani, Betros, Burns, Burrows, Bush, Calogero, Cochrane, Connelly, Connor, Cook, Culhane, Daly, D'Amato, D'Andrea, Dearie, DelliBovi, DelToro, DeSalvio, Diggs, Dokuchitz, Dwyer, Emery, Engel, Esposito, Eve, Farrell, Fink, Finneran, Flanagan, Fortune, Frey, Friedman, Goldstein, Goodhue, Gottfried, Grannis, Greenberg, Gulotta, Hanna, Hannon, Harenberg, Hawley, Healey, Henderson, Herbst, Hevesi, Hinchey, Hoyt, Hurley, Kelleher, Koppell, Kremer, Landes, Lane, Lehner, Levy, Lipschutz, Marchiselli, Marshall, Martin, McGee, McGrath, Mega, G. W. Miller, H. M. Miller, M. H. Miller, G. A. Murphy, Nadler, Nagle, Nine, Nortz, Passannante, Pesce, Rappleyea, Reilly, Riford, Ross, A. W. Ryan, Schumer, Serrano, Siegel, Silver, Solomon, Stephens, E. C. Sullivan, P. M. Sullivan, Tills, Vann, Velella, Walsh, Weprin, Wertz, Wilson, Zagame)—read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, the domestic relations law, the criminal procedure law and the judiciary law, in relation to family offenses and repealing sections eight hundred thirteen, eight hundred fourteen, eight hundred fifteen, eight hundred sixteen and eight hundred twenty-one of the family court act relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section eight hundred twelve of the family court act, as amended by chapter seven hundred thirty-six of the laws of nineteen hundred sixty-nine, is hereby amended to read as follows:

EXPLANATION—Matter in italics is new; matter in brackets [ ] is old law to be omitted

§ 812. Jurisdiction. *1.* The family court [has exclusive original] *and the criminal courts shall have concurrent* jurisdiction, [subject to the provisions of section eight hundred thirteen,] over any proceeding concerning acts which would constitute disorderly conduct, harassment, menacing, reckless endangerment, an assault or an [attempt] *attempted* assault between spouses or between parent and child or between members of the same family or household, *except that if such an act involves a child who is below the age of eighteen, the family court shall have exclusive original jurisdiction.* For purposes of this article, "disorderly conduct" includes disorderly conduct not in a public place. *For purposes of this article, "members of the same family or household" shall mean the following:*

(a) persons related by consanguinity or affinity to the second degree; and

(b) persons legally married to one another.

2. The presiding justice of each judicial department shall designate by rules of court the appropriate law enforcement official, who may be a probation officer, warrant officer, sheriff, police officer or any other law enforcement official, to advise any petitioner or complainant bringing a proceeding under this section, before such proceeding is commenced, of the procedures available for the institution of family offense proceedings, including but not limited to the following:

(a) That there is concurrent jurisdiction with respect to family offenses in both family court and the criminal courts;

(b) That a choice of forum by a complainant or petitioner bars any subsequent proceeding in an alternative court for the same offense;

(c) The legal, social and practical consequence of an adjudication by the family court and that an adjudication in family court is for the purpose of attempting to keep the family unit intact. Referrals for counseling, or counseling services, are available through probation for this purpose;

(d) The legal, social and practical consequences of an adjudication by the criminal courts and that an adjudication in the criminal courts is for the purpose of punitive action against the offender.

3. No official designated pursuant to subdivision two of this section shall discourage or prevent any person who wishes to file a petition or sign a complaint under this article from having access to any court for the purposes provided for in subdivision one of this section.

4. The state administrator shall prescribe such forms as are appropriate to effectuate the purposes of subdivision two of this section.

§ 2. Sections eight hundred thirteen, eight hundred fourteen, eight hundred fifteen and eight hundred sixteen of such act are hereby **repealed**.

§ 3. Section eight hundred twenty-one of such act is hereby **repealed** and a new section, to be section eight hundred twenty-one, is hereby inserted therein, in lieu thereof, to read as follows:

§ 821. Originating proceedings. 1. A proceeding under this article is originated by the filing of a petition containing the following:

(a) An allegation that the respondent assaulted or attempted to assault his or her spouse, parent, child or other member of the same family or household or engaged in disorderly conduct, harassment, menacing or reckless endangerment toward any such person; and

(b) The relationship of the alleged offender to the petitioner;

(c) A request for an order of protection or the use of the court's conciliation procedures; and

(d) An allegation that no proceeding specified in paragraph (a) of this subdivision is pending in a criminal court with respect to the same act alleged in the petition.

2. No proceeding under this article shall be originated, based upon the same act which is or was the subject of an action commenced in a criminal court.

3. No application may be made to the criminal courts while a matter is pending in family court with respect to the same acts.

§ 4. Section eight hundred twenty-three of such act is hereby amended by adding thereto a new subdivision, to be subdivision (e), to read as follows:

(e) If agreement to cease offensive conduct is reached, it must be reduced to writing and submitted to the family court for approval. If the court approves it, the court without further hearing may thereupon enter an order of protection in accordance with the agreement, which shall be binding upon the respondent and shall in all respects be a valid order. The court record shall show that such order was made upon agreement.

§ 5. Section eight hundred twenty-eight of such act, as added by chapter one hundred fifty-six of the laws of nineteen hundred sixty-four, is hereby amended to read as follows:

§ 828. Preliminary order of protection. Upon the filing of a petition under this article, the court for good cause shown may issue a temporary order of protection, which may contain any of the provisions authorized on the making of an order of protection under section eight hundred forty-two. *A temporary order of protection is not a finding of wrongdoing.*

§ 6. Such act is hereby amended by adding thereto a new section, to be section eight hundred thirty-eight, to read as follows:

§ 838. Petitioner and respondent may have friend or relative present. Unless the court shall find it undesirable, the petitioner shall be entitled to a non-witness friend, relative, counselor or social worker present in the court room. This section does not authorize any such person to take part in the proceedings. However, at any time during the proceeding, the court may call such person as a witness and take his or her testimony. Unless the court shall find it undesirable, the respondent shall be entitled to a non-witness friend, relative, counselor or social worker present in the court room in the event such respondent is not represented by legal counsel. This section does not authorize any such person to take part in the proceedings. However, at any time during the proceeding, the court may call such person as a witness and take his or her testimony.

§ 7. Section eight hundred forty-one of such act is hereby amended to read as follows:

§ 841. Orders of disposition. At the conclusion of a dispositional hearing on a petition under this article, the court may enter an order

(a) dismissing the petition, if the allegations of the petition are not established [or if the court concludes that the court's aid is not required]; or

(b) suspending judgment for a period not in excess of six months; or

(c) placing the respondent on probation for a period not exceeding one year; or

(d) making an order of protection in accord with section eight hundred forty-two.

§ 8. Such act is hereby amended by adding thereto a new section, to be section eight hundred forty-two-a, to read as follows:

§ 842-a. Notice of order of protection. A copy of an order of protection shall be filed by the court with the appropriate police agency having jurisdiction. In the event the court does not so file such order, a copy of the order may be filed by the petitioner at the appropriate police agency having jurisdiction. Any subsequent amendment or revocation of such order shall be filed in the same manner as herein provided.

§ 9. The domestic relations law is hereby amended by adding thereto a new section, to be section two hundred fifty-two, to read as follows:

§ 252. Effect of pendency of action for divorce, separation or annulment on petition for order of protection. In an action for divorce, separation or annulment or in an action to declare the nullity of a void marriage in the supreme court, the supreme court or the family court shall entertain an application for an order of protection or temporary order of protection by either party. The supreme court may provide in an order made pursuant to this section that the order may be enforced or modified only in the supreme court. If the supreme court so provides, the family court may not entertain an application to enforce or modify such an order of the supreme court.

§ 10. The criminal procedure law is hereby amended by adding thereto a new section, to be section 100.07, to read as follows:

§ 100.07 Commencement of action; effect of family court proceeding.

No criminal action may be commenced based upon the same criminal transaction which is or was the subject of a proceeding commenced under article eight of the family court act.

§ 11. Such law is hereby amended by adding thereto a new section, to be section 530.11, to read as follows:

§ 530.11 Protection for victims of family offenses.

1. When a criminal action is pending involving a complaint charging disorderly conduct, harassment, menacing, reckless endangerment, assault, attempted assault or attempted murder between spouses, parent and child, or between members of the same family or household, as defined in section eight hundred twelve of the family court act, the court, in addition to any other powers conferred upon it by this chapter may issue a temporary order of protection as a condition of a pre-trial release. In addition to any other conditions, such an order may require the defendant:

(a) to stay away from the home, school, business or place of employment of the family or household member;

(b) to permit a parent to visit the child at stated periods;

(c) to abstain from offensive conduct against the child or against the family or household member or against any person to whom custody of the child is awarded;

(d) to refrain from acts of commission or omission that tend to make the home not a proper place for the family or household member.

2. Upon conviction of any of the following offenses: disorderly conduct, harassment, menacing, reckless endangerment, assault, attempted assault or attempted murder between spouses, parent and child, or between members of the same family or household, the court may in addition to any other disposition enter an order of protection. In addition to any other conditions, such an order may require the defendant:

(a) to stay away from the home, school, business or place of employment of the family or household member, the other spouse or the child;

(b) to permit a parent to visit the child at stated periods;

(c) to abstain from offensive conduct against the child or against the family or household member or against any person to whom custody of the child is awarded; or

(d) to refrain from acts of commission or omission that tend to make the home not a proper place for the family or household member.

3. A copy of any order issued pursuant to subdivision one, two or three of this section shall be filed by the court with the appropriate police agency having jurisdiction. In the event the court does not so file such order, a copy of the order may be filed by the complainant at the appropriate police agency having jurisdiction. Any subsequent amendment or revocation of such order shall be filed in the same manner as herein provided.

§ 12. Section two hundred eleven of the judiciary law is hereby amended by adding thereto a new subdivision, to be subdivision three, to read as follows:

3. The office of court administration shall prepare forms for distribution to the official designated by the presiding justice of the appellate division of each judicial department for the compilation of data on family offenses, proceedings or actions, including but not limited to the following information:

(a) the offense alleged;

(b) the relationship of the alleged offender to the petitioner or complainant;

(c) the court where the action or petition was instituted;

(d) the disposition; and

(e) in the case of dismissal, the reasons therefore.

§ 13. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

Response of Juanita Kidd Stout[*]

Police

Policemen have been characterized as having a policy of nonarrest in cases of marital violence. Before being unduly critical of this policy, however, the limitations imposed on the police in their power and authority to arrest should be scrutinized.

Unless there is a statute specifically authorizing arrest without a warrant,[1] a policeman cannot make a warrantless arrest for a misdemeanor unless the misdemeanor is committed in his presence. He may make an arrest without a warrant for a felony not committed in his presence, however, if he has probable cause to believe that such felony has been committed.[2]

Crimes are classified as summary offenses, misdemeanors, and felonies; and they vary in their classification, as well as in their definition, from State to State.[3]

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[*] Judge, Philadelphia Court of Common Pleas, was the first black woman to be elected to a court of record in the United States. She has presided over domestic violence cases, including those in which the battered woman was charged with the murder of her assaulting husband.

[1] Such a statute is 75 Pa. C.S.A. Sec. 3731(c), which authorizes arrests without a warrant, regardless of whether the violation was committed in the presence of the officer, for the misdemeanor of driving under influence of alcohol or controlled substances. The subsection reads:

> *Certain arrests authorized.* In addition to any other powers of arrest, a police officer is hereby authorized to arrest without a warrant any person who the officer has probable cause to believe has violated the provisions of this section, regardless of whether the alleged violation was committed in the presence of such officer.

[2] Probable cause to arrest, as traditionally defined in *Beck* v. *Ohio*, 379 U.S. 89, 91 (1964) is as follows:

> Whether at that moment the facts and circumstances within their knowledge and of which they had reasonably trustworthy information were sufficient to warrant a prudent man in believing that the petitioner had committed or was committing an offense.

[3] In Pennsylvania, a summary offense is one that is so designated by statute or one to which a person convicted may be sentenced to not more than 90 days' imprisonment.

Proceedings in summary cases may be instituted only by citation if the affiant is a police officer or by summons if the affiant is not a police officer. A warrant of arrest shall be issued only when the citation or summons has been served upon the defendant and disobeyed by him or when the citation or summons has been returned undelivered.

In Pennsylvania, a crime is a misdemeanor if it is designated by statute or if a person convicted may be sentenced to a term of imprisonment of no more than 5 years.

Illinois defines a misdemeanor as "any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed." S.H.A. Ch. 38 Sec. 1005-1-14.

In New Jersey, a misdemeanor is a crime the penalty for which is a fine of not more than $2,000 or imprisonment for not more than 3 years or both.

Most statutes under which battering husbands are charged are misdemeanors. In Pennsylvania, four statutes usually are used. They define harassment, a summary offense; and terroristic threats, simple assault and one type of aggravated assault, all of which are misdemeanors.[4]

Section 2702(a)(4) of the Pennsylvania Penal Code, which states that "A person is guilty of aggravated assault if he attempts to cause or intentionally or knowingly causes *bodily injury* to another with a *deadly weapon,* " classifies this crime as a midemeanor. Section 2702(a)(1), however, makes a felony the conduct of one who "attempts to cause *serious bodily injury* to another or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life." [Emphasis added.]

Bodily injury is defined as "impairment of physical condition or substantial pain." *Serious bodily injury* is defined as "bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ." Sec. 2301.

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[4] Pennsylvania Penal Code:

Sec. 2709 *Harassment*

A person commits a summary offense when, with intent to harass, annoy or alarm another person:

(1) he strikes, shoves, kicks or otherwise subjects him to physical contact, or attempts or threatens to do the same; or

(2) he follows a person in or about a public place or places; or

(3) he engages in a course of conduct or repeatedly commits acts which alarm or seriously annoy such other person and which serve no legitimate purpose.

Sec. 2706 *Terroristic threats*

A person is guilty of a misdemeanor of the first degree if he threatens to commit any crime of violence with intent to terrorize another or to cause evacuation of a building, place of assembly, or facility of public transportation, or otherwise to cause serious public inconvenience, or in reckless disregard of the risk of causing such terror or inconvenience.

Sec. 2701 *Simple assault*

(a) A person is guilty of assault if he: N4 (1) attempts to cause or intentionally, knowingly or recklessly causes bodily injury to another; N4 (2) negligently causes bodily injury to another with a deadly weapon; or N4 (3) attempts by physical menace to put another in fear of imminent serious bodily injury

(b) Simple assault is a misdemeanor of the second degree unless committed in a fight or scuffle entered into by mutual consent, in which case it is a misdemeanor of the third degree.

Sec. 2702 *Aggravated assault*

(a) A person is guilty of aggravated assault if he: N4 (1) attempts to cause serious bodily injury to another or causes such injury intentionally, knowingly or recklessly under circumstances manifesting extreme indifference to the value of human life; N4 (2) attempts to cause or intentionally, knowingly or recklessly causes serious bodily injury to a police officer making or attempting to make a lawful arrest; N4 (3) attempts to cause or intentionally or knowingly causes bodily injury to a police officer making or attempting to make a lawful arrest; or N4 (4) attempts to cause or intentionally or knowingly causes bodily injury to another with a deadly weapon.

(b) Grading—Aggravated assault under paragraphs (a)(1) and (a)(2) of this section is a felony of the second degree. Aggravated assault under paragraph (a)(3) and (a)(4) of this section is a misdemeanor of the first degree.

In the case of *Commonwealth* v. *Alexander,* 346 A. 2d 319 (Pa. Super., 1975), the evidence revealed that the appellant struck the victim one blow with a closed fist. This blackened both eyes, fractured the victim's nose, and caused other facial wounds that required stitches. The blow knocked the victim to the ground, but did not cause him to lose consciousness. He spent 3 hours in an emergency ward where he was treated and released.

The seven-judge appellate court could not agree as to whether the victim's injuries constituted "bodily harm" or "serious bodily harm." They split 4–3. The dissenters contended the victim's injuries constituted "bodily harm" only and that the defendant should have been convicted of the misdemeanor under Section 2702(a)(4) of the Penal Code rather than of the felony under Section 2702(a)(1).

If the judges of one of Pennsylvania's appellate courts, comfortably ensconced in their chambers with law clerks to aid them, cannot tell the difference between an aggravated assault that is a misdemeanor and an aggravated assault that is a felony, how can a policeman, on the battlefront and with much less training, be expected to make such a fine distinction?

It serves no useful purpose to criticize police officers for not doing that which they have no power or authority to do. Instead, it would be more constructive to make a survey of the existing statutes throughout the 50 States that define and classify assaultive crimes, to amend them so that they would set forth the elements of the crime in language so clear and definitive that citizens, policemen, and judges alike could comprehend the conduct that was prohibited, and to classify all aggravated assaults as felonies. Classification of all aggravated assaults as felonies would expand the power of the police to arrest the assailant upon probable cause even though the officer did not witness the attack. This would eliminate the necessity for the victim to obtain a warrant for the batterer's arrest, as the victim must do for unwitnessed misdemeanors.[5]

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[5] Before a warrant can be obtained, a complaint must be sworn to before a judicial officer and the complainant must supply that judicial officer with sufficient information to support an independent judgment that probable cause exists for the warrant. Since most cases of marital abuse come under statutes that define crimes which are classified as misdemeanors, this requires the complaining party, usually the battered wife, to go before the appropriate judicial officer—e.g., magistrate, justice of the police or municipal court judge—to make formal complaint. This the victim often is reluctant to do.

It also may be constructive to draft model legislation defining a separate crime of spouse abuse and designating it as a felony. Existing legislation covering assaultive crimes may also be amended to include a spouse among the growing number of persons in need of special protection. Police and firemen are so designated in the legislation of many States. Illinois has included numerous others: teachers and other persons employed in any school; a supervisor, director, instructor, or other person employed in any park district or building used for park purposes; caseworkers, investigators, or other persons employed by the department of public aid; drivers, employees, or passengers on any transit facility; or a person who is an employee of the State of Illinois. S.H.A. Ch. 38 Sec. 12-2. Surely a spouse is one who is entitled to as much protection as any of the persons enumerated.

In sum, it is my opinion that the cause of most police nonaction is not dereliction of duty, but a lack of legislative power under which to act. In the present state of the law, except in the most extreme cases, there is nothing an officer can do when called to the scene of marital violence except to mediate, refer to social agencies, secure haven or medical aid, or both, for the victim as the circumstances dictate.

Prosecutors and Criminal Justice Diversion Programs

Successful prosecution of wife abusers depends, among other things, on good police work, the cooperation of the abused wife, and professional handling of the matter by the prosecuting attorney.

In Philadelphia, the newly elected district attorney, Edward G. Rendell, who took office January 3, 1978, already has appointed an assistant district attorney, Sharon K. Wallis, to head a new domestic abuse section of the district attorney's office. Ms. Wallis is present and is able to tell you much more about the organization and beginning operations of that office than I can.

The Family Dispute Services of the American Arbitration Association now are limited to services regarding property settlements. Because of the unavailability of funding, the handling of domestic disputes was discontinued as of September 17, 1976.[6]

Another organization, Women Against Abuse, directed by Peggy McGarry, is doing a herculean job primarily in the provision of temporary shelter for abused women and in counselling. Ms. McGarry, who is here today, advised me that calls come in at between 80 to 100 a week and that many of them are from older women who have been battered by their grown sons. Ms. McGarry stated that much of the abuse involves intimidation where the abused person is not allowed any contact with family or friends. In addition to intimidation, the abuse involves injuries ranging from broken ribs, limbs, and facial bruises to concussions.

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[6] Conversation on Jan. 17, 1978, with Eloise Hayes, American Arbitration Association, 1520 Locust Street, Philadelphia, Penna.

Judges

Judges have many powers. Among them is the power to "sentence individual wife-beaters." They do not have the power to "compel police and prosecutors to protect battered wives."

The office of policeman exists as a creation of statute or municipal ordinance. It is not a creation of, nor is it under the control of, the judiciary. Prosecuting attorneys are quasi-judicial county officials elected to represent the State in judicial proceedings and to prosecute crimes. No judge can dictate to a prosecuting attorney how to do his work. See *Smith* v. *Gallagher*, 408 Pa. 551, 185 A.2d 135 (1962).

Judges, like all other professionals, unfortunately range from horrible to excellent in quality. No doubt there are some who treat battered wives in an unprofessional and cavalier fashion and some who "tell women to forget the injuries and reconcile with their husbands." In my opinion, however, those judges are few. It is my belief that most judges try to do a conscientious job within the limits of their power.

Spouse Murders

I do not agree with the statement that: "Definitions of self-defense and provocation are being expanded to provide the basis for acquittal and light sentences when husband murders are committed by wives who have been victims of years of wife beating."

It is important to understand the defense of self-defense.

The law of self-defense came to America from the common law of England where it was recognized at least as early as 1320 A.D. It has undergone minor modifications; however, under present law, in general, three conditions must be met before the defense of self-defense is established:

1. The slayer must have been free from fault in provoking or continuing the difficulty which resulted in the killing. In other words, the slayer must not have been the aggressor.
2. The slayer must have reasonably believed that he or she was in imminent danger of death, great bodily harm, or some felony, and that there was a necessity to kill in order to save himself or herself therefrom.
3. The slayer must not have violated any duty to retreat or avoid danger.

Let us examine each of the three conditions of self-defense.

I

The slayer must have been free from fault in provoking or continuing the difficulty. In other words, the slayer must not have been the aggressor.

The general rule is that one who provokes the difficulty, or one who is the aggressor and who thereby creates the occasion that makes it necessary for him or her to kill, cannot assert the defense of self-defense.

Who is an aggressor?

Pennsylvania has said that an aggressor is "one who provokes, invites, asks for or seeks trouble." *Commonwealth* v. *McComb,* 462 Pa. 504, 341 A.2d 496 (1975). Oregon has said an aggressor is "one who brings on a conflict or affray by some overt act or demonstration calculated to precipitate the difficulty or conflict." *State* v. *Gray,* 46 Ore. 24, 79 Pac. 53 (1905). In describing an aggressor, other courts have said that: "He who by his unlawful act or acts which are reasonably calculated to cause or lead to deadly strife, or to cause in another a reasonable apprehension of immediate peril to his life, is one who forfeits his right to self-defense." Burdick, *Law of Crimes,* Sec. 436d., fn. 81.

During the course of an encounter, the role of the aggressor may change.

Even though one is the initial aggressor and, as such, has no right of self-defense, he may gain the right of self-defense or may have it revived by making a good-faith withdrawal from the affray and by clearly announcing to the assailed his desire for peace. In such a situation, if the person originally assailed pursues the one who was the initial aggressor, the initial aggressor may exercise the right of self-defense.

On the other hand, the defense of self-defense is not available, notwithstanding the fact that the deceased provoked the original quarrel or difficulty where, after the quarrel or difficulty has ended, a subsequent difficulty is provoked by the accused. He or she who renews the affray is deemed to be the aggressor.

II

The slayer must have reasonably believed that he or she was in imminent danger of death, great bodily harm, or some felony and that there was a necessity to kill in order to save himself or herself therefrom.

Under this condition of self-defense, the slayer must have reasonably believed two things: (1) that death or great bodily harm or some felony was imminent, and (2) that it was necessary to kill in order to save himself or herself from the imminent harm. If the defendant acts under an unreasonable belief of imminent danger or under an unreasonable belief in the necessity to kill, the defense of self-defense is not present and the offense constitutes some degree of homicide.

Reasonableness of Belief

It is for the finder of fact to determine whether the slayer's belief was reasonable or unreasonable. That finder of fact, which is the jury if the defendant has a jury trial or the judge alone if the defendant waives a jury, may accept or reject, in whole or in part, the defendant's version of what occurred in reaching a determination of the reasonableness or unreasonableness of his or her belief. It is for the factfinder to determine where the truth lies.

The test of reasonableness is what the defendant, as a reasonable person, believed. The test is whether the facts and circumstances at the time were such as to induce in the defendant a reasonable apprehension of loss of life or great bodily harm. When a person is assaulted in such a manner as to induce a reasonable belief that he is in danger of loss of life or great bodily harm, he may exercise the right of self-defense whether the danger is real or apparent. In other words, if a person has reasonable grounds to believe that he is in imminent danger of death or serious bodily harm and that deadly force is necessary to repel such danger, he will be justified in using deadly force in self-defense, even though it may afterwards be revealed that the appearances were false.

The reasonable belief test applies both to the "imminence of danger" and to the "necessity to kill."

Imminence of Danger

The use of deadly force in self-defense is limited to circumstances where the danger of death or great bodily harm appears imminent or immediate. It does not exist where the danger has passed as where the assailant has been disarmed and has fled. It does not exist where the danger is merely prospective and not impending. A threat to kill does not justify the taking of human life unless that threat is accompanied by some overt act indicating a purpose to put that threat into execution immediately. The danger must be, or must appear to be, pressing and urgent. A fear of danger at some future time is not sufficient to sustain a defense of self-defense.

Necessity to Kill

The defense of self-defense is based on necessity and coincides with it. Self-defense is measured against necessity. It begins when and where the necessity to save oneself begins and ends when and where that necessity ends. Self-defense exists only in extreme circumstances where one is in real or apparent danger of death or serious bodily harm or of some felony. It exists when a person is attacked by another and has no opportunity to resort to the legal process for his or her defense.

The defense of self-defense is not only a law of necessity but it is a law of proportions. One cannot kill another for a slight attack or an ordinary assault. It is only danger that is or appears to be deadly in its character or that may produce great bodily harm against which one may exercise a deadly attack. However, in the excitement of the moment, one is not required to judge these matters with precise calculations. In the famous words of Mr. Justice Holmes: "Detached reflection cannot be demanded in the presence of an uplifted knife." *Brown* U.S. 335, 343 (1921).

In sum, the test is not the actuality of impending harm nor the actual amount of force needed to prevent it. The reasonable belief of the slayer is controlling as to each.

III

The slayer must not have violated any duty to retreat or avoid the danger.

The common law rule is that the right of self-defense does not arise until one has "retreated to the wall" if he can do so with safety. Broadly stated, the doctrine of retreat requires one who is attacked to withdraw before employing deadly force in his own defense where there lies open a safe avenue of escape and he is consciously aware of the fact. "When it comes to a question of whether one man shall flee or another shall live, the law decides that the former shall flee rather than that the latter shall die." *Commonwealth* v. *Drum,* 58 Pa. 9, 22 (1868). In other words, one may not take life if he can avoid doing so without increasing the danger to himself.

The common law still prevails in some jurisdictions. Even where one is attacked in his or her own home, Massachusetts holds that, "the right to use deadly force by way of self-defense is not available to one threatened until he has availed himself of all reasonable and proper means in the circumstances to avoid combat. . .and [we] hold that this rule has equal application to one assaulted in his own home." *Commonwealth* v. *Shaffer,* 326 N.E. 2d 880 (Mass., 1975).

There is an exception to the retreat rule that most jurisdictions follow when one has been attacked in his own home. On the theory that a man's home is his "castle," the exception says that one who is attacked in his home by an intruder is not required to flee but may stand his ground, meet force with force, and, if necessary, kill his assailant without any duty to retreat. Some jurisdictions extend this exception not only to one's "castle," but to any place he is attacked so long as he has a right to be there.

What is the duty to retreat if the assailed and the assailant live in the same household?

A few jurisdictions hold that where the parties are on equal footing and both are members of the same household, both, the assailed and the assailant, have a duty to retreat. *Commonwealth* v. *Walker*, 447 Pa. 146, 288 A.2d 741 (1972), *State* v. *Lamb*, 134 N.J. Super. 575, 342 A.2d 533 (1975), aff'd 366 A.2d 981 (1976). *State* v. *Grierson*, 96 N.H. 36, 69 A.2d 851 (1949), *Commonwealth* v. *Shaffer*, 326 N.E. 2d 880 (Mass., 1975).

The majority view, however, is that if one is free from fault in bringing on the difficulty, the law imposes on him no duty to retreat if attacked in his own dwelling even by another who lives there.

Courts have stated the rule variously. An Alabama court said, "When a wife is living with her husband in his house, his home is her home and the law imposes no duty upon the wife to retreat to avoid a difficulty, even with her husband, if she is free from fault in bringing on the difficulty." *Hutcherson* v. *State*, 165 Ala. 16, 50 So. 1027 (1909). An Iowa court said, "One assaulted in his own dwelling under such circumstances as to create in him, as a reasonable man, justifiable belief that his life is in danger or that he will sustain a great bodily injury, is not bound to retreat before killing his assailant. The fact that the assailant was also an occupant of the home, with an equal right there, did not impose upon the wife any duty to retreat." *State* v. *Leeper*, 199 Iowa 432, 200 N.W. 732 (1924).

Whether or not one must retreat before exercising the right of self-defense varies, therefore, from one State to another.

Evidentiary Matters

1. Burden of Proof. In some States, there is no burden on the defendant to prove that he or she acted in self-defense. On the contrary, the burden is on the State to prove beyond a reasonable doubt that the defendant did not act in self-defense.

On the other hand, some States place the burden of proving self-defense on the defendant and the measure of that burden varies from State to State. Some require that the defendant prove self-defense by a preponderance of the evidence, some say it must be proven by convincing evidence, some require that self-defense be proven to the satisfaction of the jury, and some States say that the defendant has the burden of proof on the issue of self-defense to the extent of raising a reasonable doubt as to his or her guilt.

2. Evidence of Victim's Reputation for Turbulence or Violence. The victim's reputation for turbulence or violence is admissible on either or both of two grounds: (1) to corroborate the defendant's alleged knowledge of the victim's quarrelsome and violent character in an effort to show that defendant reasonably believed that his or her life was in danger; and (2) to prove the allegedly violent propensities of the victim to show that the victim was in fact the aggressor. *Commonwealth* v. *Amos*, 445 Pa. 297, 284 A.2d 748 (1971). See also, *Annotation, Admissibility of Evidence as to Other's Character or*

Reputation for Turbulence on Questions of Self-Defense by One Charged With Assault or Homicide, 1 ALR 3d 571.

3. Threats. Evidence of threats against the defendant, even of uncommunicated threats, is admissible in most States on the issue of self-defense. "Perhaps the main purpose for the admissibility of such evidence is to assist the jury in determing which party was the aggressor in the encounter—some courts indicating that evidence of an uncommunicated threat is admissible solely for this purpose. Evidence of the victim's uncommunicated threat is also admissible for the purpose of showing his intent, motive, state of mind, or disposition toward the defendant—some courts indicating that this purpose is part of the broader purpose of determining which party was the aggressor. Likewise, evidence of such a threat is admissible to show the *quo animo* of the victim's claimed aggressive conduct or attack at the time of the encounter." Wharton's *Criminal Evidence,* 13th Ed. Sec. 207.

4. Previous Relations of Parties. "The relation which existed between the person accused of homicide and the deceased is often an important factor to be considered in determining the culpability of the accused. Whether he denies the fact of killing, asserts that he acted in self-defense or contends that by reason of provocation the crime is manslaughter only, proof of the previous relations of the prisoner and the deceased, whether friendly or hostile or whatnot, is relevant and competent. Quarrels, altercations, and hostile acts ordinarily are provable to show animum, even though they may have occurred some time before the homicide; except that such proof must not relate to a time too remote from that of the fatal encounter." 40 Am. Jur. 2d, *Homicide,* Sec. 274.

In summary, the defense of self-defense is not new to the law of homicide and it prevails only when all of its conditions are met. In my opinion, it is not "being expanded to provide a basis for acquittal when husband murders are committed by wives who have been victims of years of wife beating." If there is a valid defense of self-defense, the defendant is entitled to an acquittal. If, however, the defense is not established by the evidence, the defendant is not entitled to an acquittal. In most of the latter cases, the conviction will be of manslaughter.[7]

Even though evidence of the victim's reputation for turbulence or violence, of threats, and of the previous relations of the parties all are admissible and relevant to the issue of the identity of the aggressor and to the issue of reasonableness of the slayer's belief as to the imminence of danger and the necessity to kill, it is the conduct at the time and place of the killing to which one must look to determine whether the defense of self-defense has been established.

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[7] For an excellent review of the history of the law of self-defense, see Burdick, *Law of Crimes,* Sec. 463a (1946).

Despite having suffered years of violent attacks at the hands of her husband and after having suffered a beating by him early on the fatal evening, a wife who waited until he had been snoring in bed a couple of hours and then heated a huge pot of water to boiling, took it upstairs, and gave him a fatal scalding could not claim self-defense. Whatever his prior actions had been, at the moment of the scalding, he was not the aggressor. As long as he was upstairs snoring, the slayer could neither have reasonably believed she was in imminent danger nor that there was a necessity to kill.

Criminal Statutes

California's statute against corporal injury of wife and child is one that may be a useful model for criminal legislation in this area.

The 1976 amendment of the statute that became operative July 1, 1977 is as follows:

> California Penal Code, Sec. 273d
>
> *Corporal Injury; Infliction Upon Wife Or Child; Punishment*
>
> Any husband who willfully inflicts upon his wife corporal injury resulting in a traumatic condition, and any person who willfully inflicts upon any child any cruel or inhuman corporal punishment or injury resulting in a traumatic condition, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison. . .or in the county jail for not more than one year.

The statute, prior to amendment, was identical except that the penalty was "*for not more than 10 years,* or in the county jail for not more than one year."

Diligent research has failed to reveal why the 1977 amendment reduced the penalty from 10 years to 1 year. In *People* v. *Cameron,* 53 Cal. App. 3d 786 (1975), decided before the amendment, the court remarked that "Penal Code Section 273d on its face permits a wide range of sentences, from one to ten years, to cover a wide range of behavior, and until the Court is otherwise advised it is presumed that the Adult Authority will fix a term reasonably commensurate under the circumstances."

"Corporal injury" has been defined by case law as the "touching of the person of another against his will with physical force in an intentional, hostile and aggravated manner, or projecting of such force against his person." *People* v. *Burns,* 88 Cal. App. 2d 867 (1948).

"Traumatic condition" has been defined as "an abnormal condition of the living body produced by violence." *People* v. *Cameron, supra.*

The *Cameron* case and *People* v. *Jones,* 191 Cal. App. 2d 478 (1961) are instructive of the policy supporting the legislation.

The *Jones* case was the prosecution of Theresa Jones for the murder of her husband. She was convicted of manslaughter.

The evidence revealed that Mrs. Jones had been beaten on prior occasions and that, on the fatal night, he cursed her and threatened to beat her when the children went to bed. He later picked up a table knife with which he had been eating, held it up, and said, "I will throw this knife at you." Finally, he threatened to kill her, stood up with the knife in his hand, raised it, and took some steps. At that point Mrs. Jones reached in the buffet, picked up a pistol she had purchased some 6 weeks previously, and shot her husband once in the left side and once in the back. She testified, "I was afraid he was going to jump on me or kill me or beat me or something, and I just couldn't take no more beatings."

On appeal, Mrs. Jones alleged that the trial judge erred when he refused to instruct the jury in the words of Section 273d of the Penal Code that, "Any husband who willfully inflicts upon his wife corporal injury resulting in traumatic injury is guilty of a felony," after having instructed that "Homicide is justifiable and not unlawful when committed by any person when resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person." Sec. 197, subdivision 1 of the Penal Code.

In rejecting Mrs. Jones' argument, the court said:

> In creating the statutory felony of wife-beating the purpose of the legislature was not to issue a license for a wife to kill her husband but to provide a means of dealing with a particular family situation. The punishment provided by a statute is not necessarily an adequate test as to whether life may be taken for in some situations it is too artificial and unrealistic. We must look further into the character of the crime, and the manner of its perpetration. . . .When these do not reasonably create a fear of great bodily harm, as they could not if defendant apprehended only a misdemeanor assault, there is no cause for the exaction of human life. A misdemeanor assault must be suffered without the privilege of retaliation with deadly force. . . .The fact that the assault is committed by a husband should not alter the rule. The existence of a matrimonial status should be an additional reason to forego resort to a homicide. The legislative purpose in enacting Section 273d, Penal Code, was to reduce domestic conflict, not to promote resort to violence in the household.
>
> The language of the statute, (Pen. Code. Sec. 197, subd. 1) lends support to this view. It says that homicide is justifiable in resisting an attempt to murder or to commit a felony, or to do some great

> bodily injury. By implication, the felony contemplated by the statute is one that is more dangerous than a personal assault. [At page 482.]

The *Cameron* case, *supra,* involved the conviction of a husband, under Section 273d of the Penal Code, of infliction of corporal injury upon his wife.

In an extensive and well-reasoned opinion denying appellant's claim that "Section 273d denies a defendant equal protection of the law in that it applies only to married men who assault their wives and not to unmarried men who assault their paramours nor to wives who assault their husbands," the court said, in relevant part:

> We think the conclusion inescapable that wives as an object of abuse by their spouses are a class distinctly set apart by the conditions under which their abuse customarily occurs. The first and most obvious distinction is that women are physically less able to defend themselves against their husbands than vice versa. National statistics show that the average adult male is 28 pounds heavier and 5 inches taller than the average adult female. No competent prize fight manager would send a much smaller combatant into the ring against a much larger opponent, especially to face such opponent without the benefit of a referee or the restraining influence of an audience.
>
> It is indisputable that the overwhelming number of encounters between husbands and wives take place in the home, usually late at night and after the consumption of alcohol by one or both of the parties. Except in cases of rape or other serious felonies the male does not ordinarily attack a female not his wife. Society places strong restraints upon unchivalrous conduct by a male toward the female in a social setting. But such chivalry appears to lose its efficacy at the threshold, especially if the husband comes home filled with the tension of his work and often a few beers and confronts a vituperative wife. Given this milieu physical confrontation is not unpredictable and quite predictable is the outcome, that the husband's fists are more damaging than the wife's tongue, however sharp.
>
> The argument is made that no special legislation is needed to protect wives inasmuch as an assaultive husband can be charged under Penal Code section 245, subdivision (a), with assault by force and means likely to produce great bodily injury if the severity of the injury warrants such a charge, or otherwise with assault and battery.
>
> Such an argument loses much of its persuasive effect when we consider the realities of the situation. When a husband assaults his wife it is usually late at night and frequently out of the presence of witnesses except, as in this case, in front of a helpless and disturbed child. The officer responding to the call for help, as in this case, must determine whether a felony or a misdemeanor has

been committed. If he determines that a misdemeanor has been committed he is powerless to effect an arrest, inasmuch as it was not committed in his presence, unless the wife makes a citizen's arrest, a most unlikely course of action. He must therefore leave the wife in the home wherein the beating took place. The wife's options are not very satisfactory. She is almost forced to remain at home since her opportunities to flee are usually severely limited. The husband may have the car; there may be children in the home to be considered; and the unaccompanied female at night is greeted with suspicion if not refusal of admission by hotel and motel clerks who fear not only her possible profession but if convinced of her true plight are fearful of her being followed by a vengeful husband who would create a scene.

Another factor we believe worthy of consideration is that, unlike most assaults charged under Penal Code section 245, subdivision (a), a wife beating is usually accomplished with fists and kicking as in this case. The severity of the injuries are therefore not always capable of instant diagnosis. Internal injuries and even broken limbs may not immediately evidence themselves. Except for the provisions of Penal Code section 273d an officer responding to a wife beating case would ordinarily, in the exercise of caution and to avoid a charge of false arrest, only arrest the husband under the provisions of Penal Code section 245, subdivision (a) in extreme cases. Even the infliction upon a wife of considerable traumatic injury would tend to be treated by the arresting officer as a misdemeanor which would produce the consequences of the wife's being left in the home to face possible further aggression. But an officer given the alternative of arresting for a felony under the provisions of section 273d may do so when he observes traumatic injury. The skepticism in general with which domestic embroglios are viewed tends to insure that an arresting officer will not abuse his power.

What we have heretofore said as to the seriousness of the problem is reinforced by the overriding interest of the state in preserving the institution of marriage and particularly so when children are involved. The state has a greater interest in deterring crimes which disrupt the marriage relationship than in other classes of crime. While we realize that the deterrent effect of any particularly prescribed punishment is difficult to evaluate it is a rational assumption that at least some men may be restrained from inflicting injury upon their wives if such conduct may lead to a felony conviction. It may also be inferrable that some wives (a declining number) may submit to some corporal abuse by their husbands without seeking police intervention, but are unwilling to accept the infliction of trauma. A reminder to their husbands that the law does not only not tolerate the infliction of wife beatings but may in fact impose prison terms therefore may not only deter such conduct but may thereby preserve the marriage by curbing the male aggressiveness. While this cause and effect relationship may be imprecise the law does not, and cannot, require an

> irrefutable cause and effect relationship between crime and punishment.
>
> Admittedly the number of laws in civil and criminal fields in this state, in other states, and in Federal jurisdictions in which sex is a significant factor is diminishing. But in each instance wherein a law which makes a distinction between males and females has been held constitutional some rational basis has been found to exist for the discrimination practiced. [p. 793]
>
> The Attorney General cites us to statistics from the Staff Report submitted to the National Commission on the Causes and Prevention of Violence (Vol. 2, p. 301) which indicate that 273d type assaults committed by husbands upon wives as opposed to assaults committed by wives upon husbands approach the ratio of 15 to 1 (93.3 percent to 6.7 percent). [p. 796]
>
> . . . .
>
> (5)The argument that female paramours should be entitled to the same protection as a lawfully married wife is unpersuasive. The state has no interest in the maintenance of a meretricious relationship as is evidenced by the fact that although a putative spouse may have some equitable rights, she is not afforded the statutory rights granted a wife, i.e., community property, inheritance, etc.
>
> In conclusion upon this point we do not wish to be understood as saying that section 273d could not with justification be made applicable to the reverse situation, namely assaults by wives upon husbands. In fact, with the modern trend of greater independence and assertiveness on the part of the female the Legislature perhaps would be well advised to give recognition to this fact. By making section 273d applicable to both spouses it might be expected that the state would be affording some additional protection to the marital state. We merely conclude that its failure to do so does not for the reasons we have advanced, vitiate the constitutionality of section 273d as it presently stands. [p. 797]

In summary, as to criminal statutes, it may be well to:

(1) make a survey of existing laws under which those who engage in assaultive behavior are charged;

(2) amend existing laws either (a) to upgrade all aggravated assaults to felonies for which arrests may be made without a warrant or (b) to pass legislation authorizing arrest without a warrant even for misdemeanors if the victim is a spouse; and to

(3) draft legislation, modeled after California's Corporal Injury Statute, Penal Code, Sec. 273d.

Civil Statutes and Judicial Interpretation

The Pennsylvania Protection From Abuse Act, 35 P.S.A. Sec. 10181, became effective December 7, 1976. During the year December 1976–December 1977, 481 petitions were filed under the act. Thirty-five petitions were withdrawn. Five were discontinued. Orders were entered in 260 cases. The remainder were continued.

Of the 260 orders that were entered, 243 included eviction of the defendant from the home. Two hundred sixteen were evicted 1 year, 2 for 9 months, 13 for 6 months, 1 for 4 months, 9 for 3 months, and 2 for 2 months.

In two cases, the family was referred to counselling service. A temporary support order was entered in five cases, temporary custody was awarded in seven cases, and, in one case, the defendant was committed to prison for 6 months.

One case is on appeal.

The Police and Family Violence: Policy and Practice

By Morton Bard, Ph.D., and Harriet Connolly, Ph.D.*

The past 10 years have witnessed a steady increase in sensitivity to the rights of women. As awareness and understanding have grown, there have been challenges to time-honored practices regarding the inevitability of "women's lot." In that process, wife battering has emerged as a significant social problem. This previously unacknowledged form of violence has yielded to public scrutiny and a shift is occurring, which removes it from its traditional private status beyond the scope of the law. It is becoming clear that when women are beaten by the men with whom they live, society as a whole suffers grievous harm; methods must be found to respond. Since the police are the leading edge of governmental authority with respect to the problem, their politics and practices are necessarily part of any analysis of wife battering. In cases of wife battering, a goal of police intervention is to help the victims of domestic violence; practices that do not achieve this goal should be the target of change. However, modifications of police policy or practice can have major impact on the well-being of large numbers of people. Thus reforms must be undertaken with care: objectively-derived accounts of the practices, understanding of the settings, and an analysis of the possible implications of the changes are necessary foundations for reform.

That violence often accompanies the inevitable conflicts within families is indisputable, although precise incidence data are not available. Physical violence between spouses is routine behavior for at least a significant minority of the population. It has been reported that as many as 25 percent of Americans believe that there is nothing wrong with slapping a spouse (Martin, 1977; Stephens, 1977). Generally speaking, the victims of family violence are women. Although wives seem to be hurt more seriously in family fights, there is convincing evidence that violence is often a pattern of behavior for both spouses. In a study based on diaries of violent domestic encounters, Steinmetz (1977) found that physical violence is used by both spouses in the same forms and to a similar extent. Since husbands are often stronger and defend themselves better, they are hurt less often or less severely. When weapons equalize sex differences in physical strength, however, women are as lethal as men; the statistics on homicide between spouses show that wives kill their husbands almost as often as husbands kill their wives. Indeed violence in the home may be "as American as apple pie."

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When do the police become involved? In most cases, the police are called to the scene of a family fight by one of the disputing parties; in some instances they are summoned by a neighbor or passerby. Families whose fights receive police attention are disproportionately poor and of minority background. Sometimes the appeal to the police follows an assault; more often, however, they are called not because a crime has been committed, but because one of the parties becomes afraid that things are getting out of hand. There are only two studies reporting data specific to police-managed family disputes. In one (Bard and Zacker, 1974) there was evidence of assault in 29 percent of 1,388 cases. In the other (Zacker and Bard, 1977) there were assaults in 44 percent of 148 disputes between relatives. However, neither study was restricted to disputes between spouses; 15 percent of the former and 20 percent of the latter were between parents and their (usually adolescent) children.

A call to the police can be seen as a constructive act, an attempt to prevent or break the escalation of violence. No statistically sophisticated incidence projections exists for intrafamilial violence in the population as a whole. However, simple inspection of existing figures suggests that more victims of spouse abuse do not call the police than do. Moreover, families who ask the police for help may be quite different from those wherein assault is accepted in silence. Thus, although police practice in cases of wife abuse has properly come under scrutiny, it should be noted that improvement in this area is likely to represent only a partial solution to the overall problem.

When cases come to police attention that do not involve assault (and in some that do), what the complainant wants is for the officers to "do something that will settle things," rather than to make an arrest (Campbell *et al.* , 1970). What police are authorized and expected to do in such instances—by law, by police department policy, and by the sometines contradictory values within society—is not very clear. The family dispute has, therefore, been an area in which practice has most often been guided by the unschooled discretion of individual officers.

What do police do when they intervene in a family dispute?[1] There have been only a few observational studies of police behavior in family disputes, but their findings are consistent with one another as well as with officers' informal accounts of routine practice (Bard and Zacker, 1976; Parnas, 1967; Reiss, 1973; Stephens, 1977). After gaining entry, police will generally separate the disputants, check to see that no weapons or potential weapons are available, and try to find out from each spouse what happened. If necessary, they will administer first aid or summon medical assistance. They may also arrange to have children or other nondisputants leave the immediate setting. The purpose of the investigation is to determine whether or not a law has been violated and what action is appropriate. Most accounts of police practice agree that that when serious injuries have occurred to give the officer probable cause for an arrest and/or when a victim insists on signing a complaint, the officer is likely to take formal action (Reiss, 1973; Stephens, 1977; Parnas, 1967). However, the same sources also agree that arrest is a less certain outcome when the victim and assailant are related than when they are strangers. Should arrest be inappropriate from the officer's point of view, but demanded by the complainant, or should the disputants simply want the officers to "settle things," police use a variety of methods (Bard and Zacker, 1976):

1. They may use their *authority* to impose an end to the conflict and inform the parties of their legal standing. When using this approach, they may give orders and pronounce decisions.
2. They may use *negotiation* or *mediation*. Officers may initiate a problem solving process about the events that precipitated the dispute by focusing on the content of the conflict itself. They may suggest solutions and seek agreements or compromises.
3. They may *counsel* disputants, helping them to get a new, different view of the problems underlying the conflict. Going beyond the dispute at hand, officers may interpret events or advise the disputants, helping them to see their relationship in a new light and to consider contructive steps to improve it.

The content, as distinct from the general approach of police intervention, depends on the circumstances of the dispute, the motivation, background, and training of the officer, the policies of the police department, and the laws and resources of the community.

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[1] In general, "family dispute" or "domestic disturbance" are terms used by police departments to describe a wide range of incidents involving members of the same household—whether or not they are related by blood or marriage. They would, for example, cover verbal disagreements between husband and wife, arguments between parents and children, threatened assaults, and actual instances of physical assaults between household members.

The descriptions of police behavior in this and later sections of the paper are based on observation of the full range of *family* disputes. Thus, while some of the information presented undoubtedly applies to spouse abuse, we cannot, at this time, be definitive on police response to wife battering. That specific problem has not been the focus of our research investigations.

Should insufficient grounds exist for an immediate arrest, police may refer a complainant to court to seek a restraining order or warrant. At other times they may order one of the parties, usually the husband, out of the house. They may take a woman and her children to an emergency shelter if one exists. They may refer a disputing couple to a marriage counselor or an appropriate social service agency. They may discourage a complainant from insisting on prosecution by explaining the time and likely outcomes involved in court proceedings.

In the majority of family disputes, the police do not regard arrest as the most desirable solution. It is society's most drastic form of behavior regulation and is primarily retributive rather than corrective. In addition, more often than not, it initiates a judicial process with little chance of a satisfactory outcome. According to a task force report to the National Commission on the Causes and Prevention of Violence (Campbell *et al.*, 1970):

> the yardstick for testing the application of a mature, sensitive understanding and coolheadedness is often (once deciding that intervention is necessary) how quickly and quietly a patrolman can restore calm without having to make an arrest. This is what "good cops" are made of. This is what constitutes "good police work." This is what breeds community respect for the police. (pp. 302–03)

In individual cases, an officer may disuade a victim of family violence from prosecuting his or her spouse because of personal bias, misinformation, or a cynical unwillingness to invest the time and energy involved in processing an arrest. Indeed, there are times when taking custody of a violent person may be the only available method of ensuring a family's safety. When an officer fails to act under such circumstances he or she is in error and should be held accountable for incompetence.

For the most part, however, policies and practices that encourage officers to seek alternatives to arrest are consistent both with progressive legal thought and with the practical realities of invoking the criminal process. Our courts are overcrowded, understaffed, and unable to process the increasing numbers of offenders brought to them each year. Thus, when a family dispute is referred to court, it may be days or weeks before any action is taken—ample time for fights either to escalate or to be forgotten. Should action be taken, "correction" through criminal sanction does little, if anything, to improve the family relationship. If spouses choose to divorce or separate, this may not matter; if they do not, the consequences of having invoked the criminal process ultimately may be destructive. A practical consideration for police officers is the fact that, in American communities, a person arrested in a family dispute (as for many other crimes), rather than being held until a court appearance, is released almost immediately after posting a small bond or simply signing a statement agreeing to come to court to respond to the charges. Once arrested and released, a spouse not only has limited incentive to stop fighting, but, in fact, now has a new grievance.

Police arrest practices are usually different for assault cases occuring within families than for those between strangers. In the former, the aggrieved may be tied economically and socially to the accused. What is more, it is very difficult to engage in routine family life activities while the emotional and financial strains associated with adversary court proceedings are pending. Given the psychological and economic realities, it is understandable that victims drop charges once the violent spouse has "cooled down." Police disillusionment with the efficacy of arrest in such cases is based upon repeated experience with the "dropped charges syndrome." Some question the police perception; they contend that there is no evidence that charges are dropped any more in family-related complaints than in any other crimes (Martin, 1977). The limited data that do exist, however, support informal police perceptions. Reiss (1973) analyzed statistics from Chicago collected during 1966. Assault (of which 65 percent of the cases involved relatives or neighbors) was the only major index crime for which the clearance rate due to victim's failure to prosecute (32 percent) was higher than the clearance rate by arrest (28 percent).

The complexity of the family dispute as a category of interaction and the seriousness of the consequences resulting from mismanagement make it evident that the police function in such matters needs refinement and improvement. What the police currently do is not enough. Stephens (1977) reported data from a Kansas City, Missouri, analysis of serious assaults and homicides within families. In 85 percent of the cases, police had responded to a disturbance call at the victim's and/or suspect's address at least once in the prior 2 years. In 49.7 percent of the cases, they had visited five or more times. The ineffectiveness of these opportunities to prevent future violence is a tragic reminder of the need for change.

Many observers have described what police can do at family disputes as "first aid" (Goldstein, 1977; Sullivan and Donovan, 1974). They can restore order and then decide which other agency is best equipped to deal with the underlying problem, be it a court, a counselor, or a doctor. Certainly, diagnosis is an important function. It is possible, however, to take a different view. Since in many cases what is required by families is here-and-now help with a crisis in their lives, effective performance by police officers can include not only diagnosis, but also emergency treatment.

During a crisis, personal coping mechanisms are severely taxed and people seek structure and direction. Since police officers are both realistically and symbolically the embodiments of order and stability, and because they are symbols of authority actively present when the difficulties are at their emotional height, they may well be in the best possible position to deal with the problem. While a serious dispute may itself constitute a crisis, often it is an expression of a deeper crisis in the life of the family. In either case, dealing with it swiftly and skillfully can prevent more serious long-term consequences. The police may bring the crisis to a resolution or enable the parties to clarify what they must do for themselves. An underlying premise in the first program to improve police response in family disputes (Bard, 1970) was that family disputes were something more than a simple fight or altercation. The term "family crisis" was used in an effort to expand traditional police view and to communicate a sense that the mundane family fight may in fact be the tip of the iceberg.

In effect, the police can be seen as an untapped natural resource for the management of unpredictable human crises. The kind of immediacy in time and place that can be achieved by the police cannot be achieved by any other element in the helping system. In fact, given institutional constraints, the preventive mental health objectives of crisis intervention theory are unlikely to be realized by existing mental health operations. Ultimately, it may be more rational and indeed more economic to use the police as the system of choice for the achievement of effective crisis intervention.

Certainly, it is no secret that when push comes to shove, the police enforce existing political, economic, and social values. If the delivery of human services was acknowledged as being consistent with those views, police officers would be given the training and the encouragement necessary to deliver those services competently. Such steps would serve not only to change potentially dangerous ways of reacting to a conflict, but also would result in more satisfying job performance for officers and a greater sense of security among citizens. Given the complexity of family disputes and the general inadequacy of police response, attempts at enhancing their capabilities are clearly indicated. The following section will review developments in the past decade that have sought to improve police methods of response in family crises.

Historical Developments

Intervention in family disputes is a police function that is feared and disliked by those who perform it, needed but resented by those who receive it, and often grossly misunderstood by society as a whole. Yet, in a highly mobile society like ours, where the extended family is no longer available as a here-and-now resource, there remains a need for external control over runaway emotions and behaviors. Whereas families once relied on a respected relative or friend to exercise authority or contain an emotionally charged situation that threatened to escalate out of control, they now rely on the police.

Prior to 1967 there was virtually no attention paid to police officers' need to acquire skill in dealing with family disputes. Police training programs were devoid of any substantive curriculum devoted to the subject; training for domestic conflict intervention was left to the informal passing on of conventional wisdom by the more experienced to the less experienced. No body of knowledge existed and no acknowledgment was made of a function that was demonstrably expensive in human life, the lives of police officers as well as those of citizens. The report of the first effort to demonstrate the feasibility of training police for improved performance in managing family dispute (Bard, 1970), struck a responsive chord in the police institution. Today, less than 7 years after such training was shown to be possible and beneficial, 71 percent of police jurisdictions in the U.S. are delivering some form of training in family crisis intervention (Baker, 1977).

Training. In most police departments in the U.S., family crisis intervention, as a discipline, has been confined to training programs. In most police organizations, personnel have characteristically been prepared by exposure to a brief and intensive training program. Traditional methods of instruction are usually of a "how to" nature, largely through lecture, augmented by audiovisual aids if available. At the conclusion, the officer is assigned, or returned to the field, where there is no provision made for supervised applications of the newly acquired skills. The better programs of family crisis training have attempted to break from this tradition. They have tried to incorporate innovative teaching methods in the content of such training.

The first demonstration of training for intervention in family disputes was in New York City in 1967–69 (Bard, 1970). In that program, 4 weeks of intensive training was followed by 21 months of field training. Although the training in the first program was unnecessarily long (Bard, 1970; Bard *et al.*, 1972), the model had great potential for training police in human service functions. In that model, brief and intensive training is designed to provide theoretical understanding as well as pratical techniques. More important, however, the intensive training is regarded as *orientative* rather than conclusive. It is the foundation upon which subsequent field training builds. Teaching techniques used set the tone and prepare the officer for the kind of methods to be used in the field.

Although the specific content may be modified to suit the needs of different sections of the country, most family crisis intervention training curriculum (e.g., Bard *et al.* 1975; Flammang, 1972; Flint, 1974; Goldstein, *et al.*, 1977; Hoxmeier and McKee, 1974; Schreiber, 1977) include the following topics:

1. *Crisis Intervention.* Explanation of crisis theory; police role in crisis, origins of crisis within families; differences between acute and chronic patterns; characteristic behavior of people in crisis.
2. *Interpersonal Conflict Management.* Explanation of conflict theory; goals of third-party intervention; family conflict.
3. *The Family.* Definition, structure, functions; social class and cultural differences in family customs, structure and dynamics; adaptive and maladaptive patterns of family interactions; stresses on families; conflict and violence in the family.
4. *Intervention Methods.* Information gathering (interviewing); diagnosis (chronic versus acute); alternative methods and rationales for choosing among them (includes such techniques as negotiation, arbitration, counseling, and a discussion of the advantages and disadvantages of each).
5. *Referral Network.* Organization and planning of system of referrals; common problems such as overuse of one facility, lack of communication, little or no feedback; discussion of when and how to make referrals.

Some of the intensive training content is presented by lecture. However, also used extensively are small-group discussions of case material, role playing, and real-life simulations that consist of staged disputes in which officers "intervene" (with videotaping and followup critique of performance).

Field training was an important element in the original demonstration (Bard, 1970) and its followup (Bard, *et al.* , 1972; Zacker and Bard, 1973). The rationale was that the police, no less than other human service professions, require an opportunity for "learning by doing." In medicine, for example, the basic orientation offered by the medical school is followed by years of continuous training geared to practice in both clinic and hospital. The methods used are essentially those of case study and self-critical analysis of practical applications of theory. If field training is possible in the life and death emergency field of medicine, it is equally possible and necessary as an adjunct to the basic training of police officers. Although field training was believed to be essential by the originators of the concept, it has not been included in most programs.

The training model described has not been universally accepted. Alternatives play down officer feelings and understanding, concentrating instead on programmed behavior skills (Liebman and Schwartz, 1973). As far as can be determined, the training appears to focus on a specific sequence of steps to be used in handling any family disputes, for example, safety precautions, defusing, information gathering, mediation, referral. With the Richmond, California, police department (Liebman and Schwartz, 1973), the sequence was designed so that "an intervention can be successfully completed in less than 20 minutes." Methods used in that training program included lecture, role plays, videotaping, and group discussions.

At this time, it is impossible to assess the effectiveness of the "behavior-oriented" training programs, since no formal evaluations are known to exist nor have the curricula been made freely available to others for study. In a field where transfer of knowledge is a chronic deficiency, these programs stand out because, while they are well known, not very much is known about them. Instead of open discussions and evaluation, we must rely on general descriptions and authors' assurance that those who received the training responded favorably. In fact, since the details of the programs are unavailable, it remains entirely possible that differences between the "behavior-oriented" programs and others may be more apparent than real.

Models of Implementation. Once training has been achieved, a police organization must adopt a model by which the results of training can be implemented. Given the general structure of police organizations, three models have been used.

General-Specialist Model. This was the model used in the original family crisis demonstration project (Bard, 1970) and in Oakland, California (Toch *et al.*, 1975). In essence, a selected group of general patrol officers processed all family disturbance calls in a specified area. These officers operated in uniform and on all tours of duty; when not engaged in the management of a family disturbance, they provided general patrol services in an asssigned sector. This model has the following advantages:

1. Professional identity of the officer is preserved. In the eyes of his colleagues and of the public, the officer charged with family crisis responsibilities is still a "real cop."
2. In a large organization, it appears to be an efficient way of delivering a needed service without sacrificing general uniformed patrol coverage.
3. It has implications for other generalist-specialist roles (e.g., youth, rescue, etc.) in which each officer has a specialized area of expertise. It avoids the need for each patrol officer to be all things to all people.
4. It enhances the morale of patrol officers in that their area of special expertise is respected by both their colleagues and the public.

Further, it defines a specific function for the exercise of professional discretion while maintaining general patrol capability.

5. It can take advantage of natural or latent talents of officers.

Generalist Model. An alternate model, more suitable to small organizations, is for all patrol personnel to be given training in family crisis theory and practice. This was the model employed in the NYC Housing Authority Study (Bard and Zacker, 1973) as well as in Richmond, California (Liebman and Schwartz, 1973) and elsewhere. The advantages of this model are:

1. It is suitable for small organizations that turn out too few officers to have the luxury of a generalist-specialist on each shift.
2. It ensures involvement of all personnel in acquiring special knowledge.
3. While the quality of service delivered will show greater variance than it would with selected generalist-specialists, it will tend to maximize the impact on the department itself and on the public.
4. It minimizes the tendency to delegate all family intervention functions to a small unit; it reinforces family crisis as the ongoing responsibility of all patrol personnel.

Specialist Model. In contrast to the preceding models, there has been limited experience with the specialist model (Driscoll *et al.* , 1973). However, impressions gained in studying police operations and theory suggest that this may be the least desirable model. Indeed, assigning exclusive specialization for family intervention to selected officers who have no general patrol responsibilities appears to have few, if any, redeeming virtues.

1. This is the model through which organizational ambivalence is most likely to be expressed. The delivery of the service becomes the exclusive responsibility of the specialist and satisfies only the policy decision with no reference to the broader operating responsibilities of the organization.
2. It tends to create two classes of citizenship within the organization; those who do "real" police work and those who do social work. This encourages the public to think of the police as being either "bad guys" or as being "good guys"; that is, those who are aggressive enforcers and those who are benevolent authorities.
3. It is ultimately destructive to morale and hence destructive to the function of the specialist. The specialist feels alienated from his colleagues and confused in his identity as a police officer if his functions are restricted to a single dimension of service. Consider, for example, the derisive designation of the "kiddie cop" for juvenile specialists in many departments.

Relationships With Other Agencies

A critical variable in making family crisis intervention a successful strategy is the establishment of working relationships between the police and other agencies of the helping system. Most family crisis intervention programs have met with only limited success in this regard. In some instances, there has been an overuse of one or two agencies. Police referral resource lists may not be complete or up to date. Agencies, many of which are already overburdened, generally fail to provide feedback to officers regarding the outcome of the referral.

Another difficulty is that police may come to make referrals as a way of getting out of the dispute. Just as arrest is not always appropriate, not every family needs or can profit from a referral. As was discussed earlier, the family dispute is a time of crisis, with emotions at their height. Since the police officer is perceived as someone with authority, he or she may be in the best possible position to effect a constructive outcome. Because of this, a skilled police officer may be preferable to a community agency. At other times, a family may require services beyond the ability of the officer, but may not be ready to acknowledge its need or profits from such assistance. For a variety of reasons, therefore, referral may be inappropriate. However, since it is a fairly easy and concrete task for an officer to give a citizen the name and address of somewhere to go, the referral process may be overused.

Broadening the Police Role

Even the most well-intentioned and best-informed police executive may have difficulty in fostering family crisis intervention as an important police function. There remains a residue of conviction that helping people is essentially a social work function that is discrete from the "real" work of the police. This attitude, while historically understandable, is associated with the belief that any helping function requiring the use of interpersonal skills diminishes the traditionally masculine authority image of the police. In this context, it must be understood that the objective of the family crisis approach is not to give the police officer a new identity, but to enable him or her to perform with greater effectiveness, with greater personal safety, and with greater personal satisfaction. Unless that issue is clearly understood, successful implementation is endangered.

A related occurence is the "community relations" approach. Quite commonly, police officials regard a concept like family crisis primarily in terms of its value in changing the public's perceptions of the police in a positive direction rather than as a means of actually improving the delivery of service. That is, it is seen as a concept that would appeal to the community in general and to "do-gooders-who-do-not-understand-real-police-work-anyway" in particular. When such motivation is the primary one for instituting a family crisis program, then the program flounders. What is more, a program that is merely a short-term commitment to achieve a questionable public relations payoff contributes not only to cynicism within the police, but also to cynicism of the general public.

Community sophistication about public relations gimickry is now at a point where even subtle expressions of it are quickly detected. More than that, the ambivalent policymaker whose primary concern is to sell the public fails to grasp a vital reality—to mount a program essentially to improve image is to condemn it to failure. The image of any organization, and particularly that of a helping agency, is defined by the quality of functions performed; it is measured by the day-to-day activities of each of its practitioners. No mount of verbal game playing can convince a person that the actions he perceives are other than they appear. Any vestige of the "community-relations myth" as a source of ambivalent feelings about family crisis intervention dooms it to failure.

Whatever the ultimate operational design of a family crisis intervention program, organizational commitment to the function is made real to the patrol officer by the structure of rewards and incentives. Traditional rewards in police organizatons are geared almost entirely to functions that constitute the smallest proportion of work hours. For example, promotion to detective based upon a particularly dramatic holdup arrest reinforces the conviction that rewards are related to crime control rather then to human service functions. For the most part, police departments with family crisis programs have continued to base rewards almost exclusively on crime-related actions (Wylie *et al.*, 1976). Means have not been found to reward those with a high degree of competence in managing family crises. In fact, continuation of practices such as the insistence on officers being back in service within a specified brief period of time may actually tend to punish those officers most competent in intervention.

Dissemination and Evaluation of Family Crisis Intervention Technology

In 1974 the National Institute of Law Enforcement and Criminal Justice designated the original New York City Police Department family crisis intervention demonstration and its followup with the NYC Housing Authority Police as "exemplary projects." Family crisis intervention was selected to initiate a technology-transfer program called Demonstration and Replication Experiment (DARE). This program was an attempt to identify, replicate, and publicize outstanding criminal justice programs throughout the country (Office of Technology Transfer, 1976). To give "national impetus" to family crisis intervention training, the institute developed a comprehensive program, consisting of a series of regional workshops and demonstration grants for the establishment of model projects in family crisis intervention in six cities (Columbus, Ga.; Syracuse, N.Y.; New Orleans, La.; Jacksonville, Fla., Portsmouth, Va.; and Peoria, Ill.). The third component of the institute's effort in this area was an independent evaluation (National Institute of Law Enforcement and Criminal Justice, 1975). This program, indicating the commitment of the National Institute of Law Enforcement and Criminal Justice to the notion of training in family crisis intervention, must have had an enormously persuasive effect on police departments throughout the country, even before the evaluation results became available.

The evaluation was a critical part of the program. Despite the fact that many police departments had or planned to institute family crisis intervention training, only the two New York City studies (Bard, 1970; Bard *et al.*, 1972) and one in Louisville, Ky. (Driscoll *et al.*, 1973) had any evaluation component. Although the results of these studies were generally favorable, they were far from conclusive. Specifically, the national institute was interested in the answers to five questions:

1. Does family crisis intervention training reduce assaults, homicides, officer injuries, arrests, and repeat calls?
2. Can the length of training be shortened without sacrificing quality?
3. Do officers do better in other police work after family crisis training?
4. Do citizens' attitudes toward the police improve?
5. Is training as effective with "forced" participants as with volunteers?

The report of the evaluation has been published (Wylie *et al.*, 1976) and the findings are summarized below. It should be noted that the usual problems associated with research in practitioner systems made it impossible to find answers to all the questions.

Training. The content of the training programs in the six cities was similar. The differences that existed appear to be related to the emphasis placed on method of training, for example, role playing, group discussions, and lectures. Unfortunately, there was no assessment made regarding the implications or importance of the differences.

Relationship with referral agencies. There was a wide variety in the success of efforts at coodination with referred agencies. The cities encountered characteristic problems with the 9–5 work day of social agencies, lack of feedback from agency to police following a referral, and officers' difficulty in keeping up to date on the resources in their areas. A system of referrals was most successfully achieved when police departments designated one or more staff members as liaison, with responsibility for either making the actual referral or for acting as a resource for the officers who did.

Administrative support. A program's success was highly dependent on support from the police chief and from middle management. When middle management was overlooked, the program encountered difficulty.

Citizen evaluation. A citizen survey was conducted in some of the cities. When citizens differentially evaluated officers' performance in handling family disputes, they tended to favor the methods of trained over untrained officers.

Impact on crime, arrest, and injuries. The evaluation failed to detect significant changes after training in the number of family-related homicides, the number of arrests for family-related assaults, or in the number of family-connected injuries to police officers in the cities studied. (It should be noted that homicide data are from only one city and that injury data are from three cities.) There was, however, some indication of a trend toward a decreasing *proportion* of arrests for family-related crimes to all crimes.

Officer response. After training, officers appeared to place more importance on the police function in family disputes than they had before.

Major deficiencies. That training in family crisis intervention techniques represents an improvement in the traditional system of preparation for police work seems fairly well established. Both formal and informal measures indicate that police officers who receive such training, when it is effective, report increased competence in a wide range of patrol responsibilities and improve job satisfaction. Citizens, too, are apparently able to discern the changes brought about by training in family crisis intervention. Where they are aware of officers with special family-crisis skills, they request them for a wide range of police services (Bard, 1970). They appear to feel more secure, presumably because the way these services are delivered communicates a sense that those in authority are concerned about them (Bard and Zacker, 1973). When asked about specifics of officer behavior, citizens are more satisfied with officers who have had special training than with those who have not (Driscoll *et al.,* 1973; Wylie *et al.,* 1976.) Yet, even in this brief overview of programs, it is clear that there are serious deficits.

Most of the movement to incorporate family crisis intervention into the police system has not extended very much beyond training. Even the commitment to training varies enormously in quality and quantity

(Baker, 1977). Furthermore, evaluations of training effectiveness are rarely planned and even more rarely conducted. Given the wide variation in training, absence of evaluation is a critical omission. Most jurisdictions do not share their experiences through publications; information about some training programs is only available as a commercially packaged and costly product.

Equally serious is the lost opportunity to build knowledge about human conflict and its resolution. The behavioral sciences have rarely had the opportunity to study human conflict *in vivo*. Many of the theories and experimental laboratory studies on the subject can be meaningful enlarged by access to naturally occurring events available in the context of police service delivery. Clearly, it is to the advantage of the police system, as well as to society as a whole, to inquire systematically into the nature of intrafamilial violence. It is only through the derivation of such data that a satisfactory base can be established for informing public policy.

The linkage between the researcher and the police practitioner is a potential inherent in family crisis intervention. Evidence of that potential can be seen in the fact that social and behavioral scientists have participated in the design and conduct of training programs. It would seem logical that this collaboration could rather easily be extended to include evaluation and research (Bard, 1975, 1976; Bard and Zacker, 1974).

Policy Implications

As we have seen, police policy in relation to family disturbances has undergone important changes during the past decade. The major development is the acknowledgement that force and criminal sanction are insufficient means for managing disturbed family relationships requiring police intervention. The traditional police view was that conflict is an evil which must be repressed if order is to be preserved; the more advanced police view is that conflict is inevitable (particularly in intimate relationships) and that it can have constructive potentials.

At the same time that the police have been seeking to improve their methods of managing violent family encounters, organized criticism of their response to instances of wife abuse has been escalating. In substance, criticisms have focused on the following issues (Field and Lehman, 1977; Martin, 1977; Roy, 1977):

1. That the police tend to regard family disputes as private "civil matters" rather than as criminal violations subject to arrest.
2. That the police downgrade the importance of these altercations and instead give higher priority to those events they regard as being "real" police work.

3. That the police are likely to disbelieve a woman who complains about her partner's abuse.
4. That the police response is a reflection of the negative personal predilections of individual officers; i.e., that most officers are sexist, inept, lazy, and/or uncaring.

We cannot argue that cases exist to validate these criticisms; obviously, they do. However, we take issue with the simplistic remedies proposed. The central point in all of this is the question of police discretion and with respect to this important issue two opposing philosophies exist: (a) advocates for battered women propose severe limitations on the discretionary authority of police who intervene in family disputes; in essence, they demand that the police arrest any man accused of assaulting his female partner and that in such cases the police be prohibited from discouraging arrest or offering to mediate; (b) those who propose maintaining the latitude provided by broad discretion assert that the most satisfactory improvement in police response would be caused by an increase in the sophistication and range of options available to officers managing family conflicts.

Those who seek to limit discretion have chosen a course that essentially blames police-practitioners for their failures, whether these failures are personal or are reflections of larger social or cultural values. In effect, to limit discretion is to tacitly "punish" all officers for the bad performance of some. This kind of attribution is not only morally tinged, but it implies that the practitioner's competence cannot be improved. It assumes further that unsatisfactory practitioner performance can be eliminated by the simple expedient of designing a formula to ensure that all family offense complainants are facilitated in seeking a legal or judicial remedy. Obviously, this ideal is untenable in a system that, of necessity, handles a wide variety of situations requiring *different* actions and that functions with limited administrative and supervisory control over individual police-citizen encounters. Finally, those who advocate limiting discretion make the additional assumption that invoking the judicial process will best ensure the rights of battered women. The evidence, as we have seen, is to the contrary.

The opposing position contends that improvement of police knowledge, skills, and personal satisfaction are the most effective means for improving the service provided battered women, as well as all others whose "family disputes" come to police attention. It assumes further that the expectation of responsible behavior breeds responsible behavior. Finally, because family disputes are complicated and may differ greatly from one another, discretion is believed essential to the preservation of citizen's rights:

> The exercise of administrative discretion with appropriate legislative guidance and subject to appropriate review and control is likely to be more protective of basic rights than the routine, uncritical application by police of rules of law which are often necessarily vague or overgeneralized in their language. (President's Commission on Law Enforcement and Administration of Justice, 1964).

From this perspective, the protection of the "rights" of battered women consists not simply of legal access, but of achieving a functional match between each woman's unique needs and the resources made available by society. To be sure, in practice this would sometimes consist of arrest and the application of legal sanctions. At other times, it would mean other kinds of help more appropriate to the circumstances that exist at the time of the intervention.

Intervening in family disputes always has involved hazards for police officers, both physically and emotionally. Injuries and deaths of officers in these circumstances attest to the danger involved. But less well understood is the source of frustration inherent in these events. No two family disturbances are exactly alike; there are always subtle but important differences among them. For the person who must manage them, they are all similarly frustrating, incredibly complex, and doggedly resistant to solution. Even under the best circumstances, with psychiatric, legal, or social work intervention and with spouses who are intelligent, well-educated, and economically secure, the powerful emotions at play create intractable obstacles that are almost impossible to overcome.

In the past, many male officers were burdened also by the value-derived dilemma of "protecting the little woman." In these instances, arrest was often the option employed as officers demonstrated their power to protect the "weaker sex" against the depredations of a brutal spouse. The outcomes of such gallantry were sometimes tragic. At times the outraged husband or lover would retaliate for "loss of face" by further violence directed against the woman or some police officer. Or, in some instances, the officer's efforts to protect by force or arrest would provoke the woman to ally herself with the man against the office, now defined as the common enemy. Such experiences were, in part, responsible for a growing disinclination to use the arrest option except where absolutely necessary. In fact, many programs of training in family crisis intervention consider a decrease in arrest for family-related offenses to be an indication of success.

On the other hand, there are many police officers who long for the simple solution that the arrest option offers. Because of their action orientation and their intolerance for delay in "doing something," the intangible quality of negotiation or mediation can be disturbing. They would prefer simple and direct action in dealing with what they perceive as misconduct and injustice. For these officers, resorting to "the law" has simple, direct action imperatives that they see as getting them out of the "social work business." So, in many ways, the pressure for reform, which requires resorting to a judicial remedy, has the effect of moving the police system back to its traditional position of enforcing compliance rather than in serving to potentiate the constructive capabilities of disputants.

Strange as it may seem, the proponents of limiting police discretion in family disputes appear to crave the simple, direct, and uncomplicated solution as much as do traditionally oriented police officers. We suspect that recent developments in New York, while satisfying to many advocates of the rights of battered women, are also being applauded by those officers who reject any police role in family troubles.

In December 1976 a lawsuit was brought in the Supreme Court, County of New York, on behalf of a number of battered women against the New York City Police Department and the Probation Department of the Family Court (*Bruno et al.* v. *Codd et al.*). It was claimed, among other things, that the police had failed to provide service to battered women by not arresting husbands who had allegedly assaulted the plaintiffs.

Effective September 1, 1977, the Family Court Act was amended to give concurrent jurisdiction in cases of family violence to the family court (whose aim is to keep families intact) and the criminal court (whose purpose is to punish offenders). According to the law, a police officer is responsible for informing a "complainant bringing a proceeding under this section" of the legal procedures available (Laws of N.Y., 1977, Article 449, Section 812:2). In addition, the law states (Section 812:3) that police or other designated authorities may not "discourage or prevent any person who wished to file a petition or sign a complaint under this article from having access to any court. . . ."

In response to the demands of the suit and changes in the law, the New York City Police Department has changed its procedures (Interim orders No. 33, 33-1, and 34). Family offenses are now defined as "disorderly conduct (including acts committed in private places), harassment, menacing, reckless endangerment, an assault or attempted assault between spouses, parent and child or members of the same family or household." When responding to family offenses, officers must read a five-paragraph description of legal options.[2] They must

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[2] The law requires that before you start a court proceeding because of certain acts that constitute a family offense, you must be informed of the court procedures that are available to you.

"You have the right to bring your case either in Family Court or in a criminal court. But once you

331

record in their activity logs that they have done so. They must inform the complainant that (s)he may receive further counseling at the police station. It is unclear in the order whether such counseling is confined to questions of law or is intended to be broader in scope.

In addition to affecting people's lives, these developments in New York may serve to establish important precedents in law and in police policy. It is, therefore, essential that careful consideration be given to the possible consequences:

1. The changes in New York law and in New York City Police Department policy firmly reassert the importance of the arrest option and the pursuit of criminal prosecution in cases where such action is appropriate. Obviously, these changes would avoid the egregious cases where arrest and criminal prosecution were not pursued through police malfeasance or nonfeasance.
2. With the changes in New York law and administrative policy, emphasis is placed on arrest and judicial remedy alone to the possible detriment of those who are aggrieved. As we have seen, available statistics indicate that, in more than half of family disturbances known to the police, no assault occurs. In these cases, actions such as arbitration, mediation, or referral may be more constructive than invoking the judicial process.
3. Although the changed law does not specifically prohibit using other than the arrest option, as a practical matter, it is difficult to see how a police officer's discretion can operate. Although the intent may be to assure the aggrieved woman's right to court redress, and not to eliminate other courses of action, there is a "chilling effect" on police behavior. When an officer reads the five-paragraph explanation of legal options, which is mandated in *all* family cases, it puts the force of authority behind a judicial solution. Also, officers are explicitly prohibited from "discouraging" a complainant from

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have started a proceeding in either court, you will not be allowed to change courts. These courts have different procedures and their decisions may have different results.

"A proceeding in Family Court is a civil and not a criminal proceeding and its main purpose is to try to keep the family together. If you proceed in the Family Court, you may, if you wish, use the services of the probation department to adjust your differences before you start your case. Probation is able to refer you and the person you are complaining against for counseling or counseling services.

"Even before the case is decided in Family Court, the judge may issue a temporary order of protection forbidding certain conduct by the person you are complaining about. This person is called a respondent. At the end of the Family Court proceeding, the judge may dismiss the case, suspend judgment, place the respondent on probation, or issue a final order of protection forbidding certain conduct by the respondent.

"A proceeding in a criminal court can lead to criminal punishment and can result in a criminal record for the person you are complaining about. Even before the case is decided in the criminal court, the judge may issue a temporary order of protection forbidding certain conduct by the person you are complaining about. This person is called a defendant. At the end of the criminal court proceeding, the judge may sentence the defendant to jail for the acts committed, dismiss the case, suspend judgment, place the defendant on probation, or issue a final order of protection forbidding certain conduct by the defendant."

seeking a court remedy. Yet, almost any action or explanation can be seen as discouragement. For example, advising a complainant of the possible benefits to be derived from a social service agency could be interpreted as a discouragement to seeking a court remedy. Given these constraints, it is difficult to imagine the discretion that remains.

4. Among the most serious issues to be considered is the fact that New York law and police regulations appear to define wife battering and family offense as being synonymous. Given the absence of physical violence in most family disturbances, limiting an officer's discretion on intervening in a family dispute to informing the complainant of his or her legal rights, treats all cases *as if* the difficulty is one that can only be resolved by a court of law. This development is clearly at odds with current enlightened thinking in the police field:

> A critical difference exists between the police response to family disturbances where no physical violence has occurred and a wife beating. Although the application of crisis intervention skills are required in both cases, the primary purpose of mediation to help resolve family problems is to prevent violence and therefore make arrest unnecessary. Where an attack has already taken place, however, the police officer must be prepared to conduct an assault investigation while recognizing the special sociological and psychological factors that surround wife abuse incidents. "Family disturbances" and "wife beatings" should not be viewed synonymously; nor should wife abuse be considered a victimless crime or solely a manifestation of a poor marriage. A wife beating is foremost an assault—a crime that must be investigated. (International Association of Chiefs of Police, Training Key No. 245).

On balance, and however well-intentioned they may have been, the developments in New York may have done more harm than good to the rights of battered women.

Conclusion

Of all systems of government, over time the police have had the most sustained, immediate, and direct exposure to disturbed families. These troubled relationships are unpredictable and highly violatile; they defy even the most skilled intervention. Responding to family disturbances comprises a significant part of police working time. While fewer than half of the cases are in any way violent, the function cannot be delegated to any other system because of the latent violence in them and because of the possible need for invoking the criminal sanction.

In any case, the police system would appear to have unique potentials for dealing with family disturbances and for preventing the violence that sometimes occurs in them. Police practitioners are immediately available as a resource and have the real as well as symbolic authority to do something here and now, when emotions are at their height.

What police officers *do* has become the focus of interest for those who seek to ensure the rights of battered women. Some have contended that the best way of ensuring those rights is to limit the discretion of individual police officers so that they must invariably inform family offense complainants of the legal remedies available. Others have argued that wife beating and family disputes are not synonymous and that the best approach to the problem is to preserve police discretion, but to reinforce it by methods that improve practitioner skill and competence.

Our analysis has led us to conclude that the latter position is, on balance, the most realistic. We are concerned, however, about the serious inadequacies in the data base available for reasoned judgments. Well-intentioned reforms can be self-defeating if public policy changes rest solely on egregious case reasoning. It is our conviction that any changes mandated in police management of family disputes be based upon objective data available only through the conduct of sound research. To do otherwise may serve the purposes of advocacy well, but do unnecessary mischief in the lives of people.

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Court Diversion: An Alternative for Spousal Abuse Cases

by Anna T. Laszlo and Thomas McKean*

> Perhaps the husband should still be permitted to exercise the right to moderate chastisement, in cases of great emergencies, and to use salutory restraints in every case of misbehavior without subjecting himself to vexations, prosecutions, resulting in the discredit and shame of all parties.
>
> *Bradley v. State,* Walker 156, 1824

Criminological research clearly reveals that violence is not an uncommon characteristic of intrafamilial relationships. The constant company of the spouse, the stress caused by the closeness, and a sense of insecurity with the relationship provide fertile ground for violent reaction. Cultural approval and acceptance of violence toward one's spouse has been documented.

A recent survey conducted by the National Commission on the Causes and Prevention of Violence suggests that one of every five husbands approves of slapping a wife's face. (McEvoy, 1970)

In recent years, divorce rates have been one of the few areas increasing more rapidly than inflation. Levinger (1966) notes that 37 percent of wives who applied for divorce in one metropolitan area cited physical abuse as one of their complaints.

O'Brien randomly selected families from a population of those in which spouses had initiated divorce action in 1969. Only one spouse in each family was interviewed: 48 percent were men and 52 percent were women. Seventeen percent of those sampled spontaneously mentioned violent behavior. Eighty-four percent of those reports were made by women regarding their husbands. (O'Brien, 1971) These figures probably underestimate the amount of physical violence between spouses because there were probably violent incidents which were not mentioned or listed as the main cause of divorce. However, O'Brien did find that wife beating is prevalent throughout the social spectrum.

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A number of researchers have noted that familial violence most often occurs in the home, with the bedroom and the kitchen the most likely places of assault. (Pokorney, 1965; Gelles, 1974; Straus, 1974) It is only when the violence reaches the extremes of homicide or severe injury to a child that society seems to be willing to acknowledge the existance of family violence. In general, social science literature has tended to ignore violence between husbands and wives. It is only in the past decade that academic researchers have begun to explore the problem.

Accurate statistics on the crime of assault and battery of a wife are unavailable. Van Stolk (1976) found that wife assaults are treated as a social problem, not a crime. Cases are buried in divorce and homicide statistics, making it difficult to pinpoint the scope and frequency. A study of reported cases of spousal abuse in the Boston area indicates that many victims accept abuse in order to maintain their economic security, or in order to maintain the family unit. Other victims cited a belief that the offender would eventually change his assaultive behavior, which the victim perceived to be rooted in alcohol or drug abuse. Further, the decision to call the police and the motivation to go through the court process was often a direct result of the assaultive behavior extending to the children, behavior changes in the children who had witnessed the violence, or the increased seriousness and frequency of the assault.

Studies of murderers and their victims show that the most frequent single category of murderer-victim relationship is the family relationship. Wolfgang's (1956) data on the incidents of husband-wife homicide indicated that "among the 53 husbands who killed their wives, 44 did so violently," with violent behavior defined as two or more acts of stabbing, shooting, or severe beating.

Causes of Family Violence

Gelles and Straus (1976) have identified a number of factors contributing to a theory of intrafamilial victimization. The semivoluntary nature of the family group and the intensity of emotional involvement account for a high level of stress within the group. In spousal abuse, as in other victim-offender relationships, the motivational determinants of anger and power seem to influence the type of assaultive behavior toward the victim as well as the frequency and the violent nature of the assault. (Burgess and Groth, 1977; Laszlo and Levinseler, 1977)

Tarde and others have studied the phenomenon of victim-precipitated crime. (Tarde, 1912; Von Hentig, 1948; Schafer, 1968) Often in family violence, it is difficult to determine to what extent the victim has contributed to her own victimization. It is particularly in these victim-offender interactions that diversion through mediation is appropriate.

Marital Violence and the Criminal Justice System

Many sources in the literature have documented the crucial role of the police in responding to calls of intrafamilial violence. Bard (1969) states that "of all social agencies, it is the police who are most likely to be summoned during intrafamilial disputes, especially among the less privileged." He further states that these requests for police intervention may be seen as public declaration that acceptable limits of aggression are being reached and that unacceptable violence is imminent. (Bard and Zacker, 1971)

This initial request for help, however, is made to a system which sees itself not as a helping resource, but rather as one empowered to enforce compliance with the rules of acceptable behavior as defined by the law. Hence, while the behavior of the police is usually calculated to force compliance either physically, by legal sanction, or by admonition, the disputants may be seeking relief through immediate arbitration. Limited by traditional role definition to perceive himself primarily as a law enforcer, the police officer may not be able to perceive his hidden agenda. His limited perspective and training determine actions on his part that are inconsistent with the underlying motivation of those who request his intervention. Logically, the dissonance is responsible, at least in part, for 22 percent of police deaths (FBI, 1963) and an even larger percentage of police injuries. Instead of responding as a helping resource, his response as an enforcer can be conducive to tragedy in the family or to himself and also represents a lost opportunity in initiating constructive alternatives to family violence.

Historically, the courts have been reluctant to confront the complexities of spousal abuse. The common law doctrine of the legal identity of the marital partners as one person serves as the foundation of "spousal immunity."

> By marriage the husband and wife are one in person in the law, that is, the very being or legal existance of the woman is suspended during the marriage or at least is incorporated and consolidated into that of her husband. (Blackstone, 1768

In an effort to preserve the privacy of the domicile, the courts have limited their role in familial disputes to matters extending beyond "trivial complaint."

> If no permanent injury has been inflicted, nor malice, cruelty nor dangerous violence shown by the husband, it is better to draw the

> curtain, shut out the public gaze, and leave the parties to forget and forgive. (*State v. Oliver*, 70 N.C.60, 1874)

In addition, the traditional model of sentencing and the threat of incarceration acts to further divide the already dismembered family unit.

Only recently has the criminal justice system reevaluated its role with respect to both the victims and the offenders of marital violence. (Field and Field, 1973; Bard, 1969; Parnas, 1967)

Some jurisdictions have recognized that the traditional means of adjudicating criminal complaints which result from spousal abuse do not resolve the underlying dispute. They have sought, therefore, to divert spousal abuse cases to alternative forms of dispute settlement, either through an arbitration panel or a mediation panel. The arbitration programs have replaced the former peace bond agreement, whereby the offender would not be prosecuted if he agreed to "cease and desist" in his actions. A violation of the peace bond agreement resulted in either a loss of a money bond or a contempt of court action. (Brakel, 1972; Nimmer, 1974; McDonald, 1976)

This paper will investigate programs which divert spousal abuse cases outside the traditional criminal process. The paper will include (1) an assessment of a 2-year sample of spousal abuse cases in a Boston area district court; (2) a presentation of the mediation component of the urban court program in Boston; (3) a discussion of other court diversion programs across the country; and (4) an analysis of effective diversion for cases of spousal abuse.

Methodology

Definition of Terms

For the purposes of this paper, the following terms have been defined:

Diversion: Traditionally, "diversion" has been defined as the channeling of criminal defendants into rehabilitative programs after a disposition of a criminal complaint. For the purpose of the study, we have broadened the definition as described in the report of the corrections task force of the National Commission on Criminal Justice Standards and Goals (1973):

> Diversion refers to formally acknowledged efforts to utilize alternatives to the justice system. To qualify as diversion such efforts must be undertaken prior to adjudication and after a legally prescribed action has occurred. Diversion implies halting or suspending formal criminal proceedings against a person who has violated a statute, in favor of processing through a noncriminal disposition.

Operationally, we define "diversion" as the referring of criminal complaints to a mediation/arbitration unit. *Family:* The presence of non-nuclear families requires a liberalization of the concept of family to include spouses of varying marital status. *Spouse:* The "spouse" is defined as either one of the persons in the male-female relationship whether married, separated, divorced, common-law, or in a conjugal relationship for 6 months. *Complainant:* The complainant is defined as the party who seeks the criminal complaint. *Respondent:* The respondent is defined as the defendant in the criminal complaint. *Nonviolent:* Those criminal actions in which the harm to the complainant is nonphysical. *Violent:* Those criminal actions in which the harm to the complainant is physical. *Successful Mediation:* The grant proposal for the Urban Court Program defines "successful mediation" as one in which the disputants arrive at a written agreement. For the purposes of this analysis, we have defined "successful mediation" as one which results in no further criminal complaints being sought by the complainant against the respondent within the span of the study.

Scope

The paper will analyze a study population of 86 cases (defendants) which were processed through the district attorney's office, the district court of Dorchester, Massachusetts, and the mediation component of the urban court program between November 17, 1975, and November 1, 1977. The cases involved disputes between spouses. The defendants ranged in age from 19 to 52 years. There are black, white, and Puerto Rican males in the sample. The marital status of the disputants ranged from married, separated, divorced, common law, or conjugal relationships which lasted for at least 6 months.

Although both felony and misdemeanor cases are included in the sample, the felony charges were reduced by the court to allow the district court to take jurisdiction over the case.

Method of Study

The case files of the district attorney's office were used to assess the date that each case was screened by the prosecutor, the means (summons, warrant, arrest) by which the case came before the court, the number of times the case was before the court, whether or not the mediation agreement was successful, and the disposition of the case. Although the study sample includes 86 defendants, a number of defendants had multiple case files, each representing a separate criminal case with the same complainant.

The mediation agreements and the case followup reports of the Urban Court Program were used to determine the nature of the mediation agreement.

In calculating the data for tables I and II, the more serious charge was tabulated. If the defendant was charged with a felony and a misdemeanor, the felony charge was counted. If the defendant was charged with two or more misdemeanors, the more serious of the charges was counted (i.e. malicious destruction of property and threats were counted under a charge of malicious destruction of property).

Six court diversion programs are studied in the paper. Recognizing that a wide variety of diversion programs exist throughout the country, these six programs were chosen since they shared a number of characteristics. Primarily, extensive information was readily available regarding the nature and function of the individual program. Further, each is located in an urban environment, servicing similar types of clientele, with similar types of dispute. Each project is affiliated, to some extent, with the local court and utilizes community members as mediators and arbitrators.

While all the cases in the sample result from alleged aggressive behavior by the defendant, unless there was physical contact on the person of the complainant, the offense has been referred to as nonviolent. For the majority of the cases, the initial court involvement was a summons. Felony charges of assault and battery by means of a dangerous weapon, attempted murder, and assault by means of a dangerous weapon represented 38 cases, of which 10 came to the court through summons. The remaining 48 cases had a far higher percentage of cases come to court through the summons process, a total of 36 cases or 75 percent of the total sample. This is significant because the summons process has the least disruptive effect upon the defendant while serving as a means of issuing a complaint. An arrest at the beginning of the process might have an effect of making a referral to mediation difficult.

As many defendants were in the age range of 35 and over as under 25 years. This indicates an older group of defendants than the national average. (Hindelang, *et al.,* 1976)

The categories under the heading "marital status" are not always clear-cut. The 49 cases under "married" are those couples who were married and still living together. Whether the couple remain living together often has more to do with the economic situation and personality of the wife than the closeness of the relationship. The 13 cases under "separated" were not only those with legal separation, but also those cases in which the husband had abandoned his family or had moved out of the common residence and was living separately. Those cases considered "divorced" were ones in which a legal divorce

TABLE I
Case Distribution By Misdemeanor/Felony Charge

Misdemeanor charge	Number of cases
Threats	4
Malicious destruction of property	1
Annoying calls	2
Assault and battery	41
Total	48

Felony charge	Number of cases
Assault/dangerous weapon	4
Assault and battery/dangerous weapon	33
Attempted murder	1
Total	38
Total Case Sample	86

TABLE II
Case Distribution By Violent/Nonviolent

		Violent		
Charge	Arrest	Warrant	Summons	Total
Assault and battery	4	5	32	41
Assault and battery/ dangerous weapon	8	17	8	33
Attempted murder	1	—	—	1
Total	13	22	40	75
		Nonviolent		
Assault/dangerous weapon	2	—	2	4
Threats	1	1	2	4
Malicious destruction property	—	1	—	1
Annoying calls	—	—	2	2
Total	3	2	6	11
Total Case Sample				86

TABLE III
Demographic Data

Age	Total	Race	Total	Marital status	Total
17–24	23	White	24	Married	49
25–35	40	Black	61	Divorced	11
36–50	19	P.R.	1	Separated	13
51 +	4			Common law	1
				Boyfriend	12
Total	86		86		86

TABLE IV
No Settlement Reached after Referral to Mediation

Reason	Total
Complainant refused	8
Respondent refused	2
No agreement reached	11
Total Cases	21

Disposition of case	Total
Trial	13
Admission	8
Guilty	2
Not guilty	2
No probable cause	1
Continued without trial	1
Dismissed at request of complainant	5
Default	2

proceeding had been completed. The 12 cases under the category "boyfriend" were relationships which had lasted longer than 6 months, but no marriage had been entered into. The single "common law" case represents a relationship lasting some 7 years with children born to the couple and raised by the couple.

In the 21 cases in which no settlement was reached, there was an almost equal number of instances where the parties refused to attempt mediation as where there was an attempt, but the parties were unable to reach a compromise. These 21 cases were referred back to the court to be resolved through normal court proceedings. There was no form of punishment for either party for the refusal to reach a mediated settlement or for refusal to attempt to resolve the matter through mediation.

In the eight cases in which the complainant refused to attempt mediation, there were two general reasons. First, the complainant felt that mediation would be an insufficient remedy and that the court should exercise its authority over the defendant. Secondly, complainants refused mediation since they wished the matter to go no further in the criminal process and requested that the complaints be dismissed. In order for the complaints to be dismissed, it is necessary for the complainant to come before the court and state under oath that the request to dismiss is given voluntarily and knowledgably and not due to threats. The court has the discretion to dismiss, require a hearing, or continue the matter without a trial in order to ensure against further difficulty.

For the two instances in which the respondent refused to attempt mediation, the most ready explanation is that they failed to appreciate the potential benefit to them of having their case diverted from the criminal justice system. In one case, there was an admission at trial, a requirement that the defendant pay court costs, and a continuance without a finding for 1 year. A condition of the continuance without a finding was that the defendant not see the complainant. In the other case, the complainant requested that the complaints be dismissed.

> The matter involved a married couple who had two children. The husband had left the home and had failed to support the complainant and the children. Upon seeing her husband with another woman, the complainant approached him and had words. The defendant struck her. After the incident, however, the defendant has paid outstanding bills and was supporting the victim and the children. The court dismissed the complaints.

In 11 situations in which there was no agreement reached, the reasons varied. In some cases there was a disagreement over the amount of restitution owed. In others, the respondent refused to allow

TABLE V
Settlement Reached After Referral to Mediation

Results	**Total**
Dismissed after mediation	48
Settlement reached/ subsequent breakdown	8
Default	9
Total Cases	65

the mediation panel to tell him how to run his life, or felt that he was entitled to see his children whenever he desired. There were other situations in which the parties had resolved the matter to their satisfaction and did not desire to have outside intervention.

When the cases were referred back to the court after no settlement was reached, the court disposed of the cases in various manners. Thirteen cases went to trial. Two cases resulted in the defendant's default. One case was continued without a trial for 1 year. Five cases were dismissed at the request of the complainant.

There was an admission to sufficient facts in 8 of the 13 cases which went to trial. In each of these cases, the court continued that matter without a finding for a period of either 6 months or 1 year. If there was no further difficulty and the defendant complied with the conditions of the court, the case was to be dismissed by the court. The conditions set by the court varied from court costs, to restitution, restrictions on visitation rights, social service referral, to agreements that there be no contact with the complainant.

In the two cases which resulted in guilty findings after a trial, both defendants were given suspended sentences, probation, and conditions of probation. These cases took the form of an arbitration agreement with the court having the power to impose conditions it felt would resolve the dispute and having the power of commitment of the defendant if he refused to comply.

A finding of insufficient evidence to warrant a court finding of guilt or probable cause resulted in only 3 of the 21 cases.

The fact that nine defendants defaulted after having reached a mediation agreement is somewhat puzzling. Presumably, the agreement would not have been reached unless the terms were reasonable and the conditions ones by which the defendant could abide. Either an attitude that the court had no legitimate function in interfering with domestic violence or a confusion as to the necessity of reappearing in court can be possible explanations. Some of the other cases under the default category might be more appropriately placed in the category of "subsequent breakdown."

The category of "subsequent breakdown" includes eight cases. After a breakdown, the cases resulted in trials or admissions. In one case, even though the breakdown was caused by the actions of the defendant, the complainant requested the case be dismissed. Two of the cases, the court continued without a finding after an admission to sufficient facts. In these cases, conditions were set by the court such as alcohol treatment or payment of restitution. Probation was given in one case. In yet another matter, a 10-day commitment was ordered after a suspended sentence was given and the defendant was surrendered for violation of terms of probations:

> X and Y had known one another for seven years and had lived together for a period of time, resulting in the birth of a child. They had broken up six months prior to November 14, 1976. Y had come to X's apartment at 2 a.m., broke the lock on the kitchen door and entered the apartment. Y grabbed X's arm and threatened to kill her if she did not let him in the apartment when he came by to see her. Prior to this occasion, Y had been annoying X at school, when she was at work and calling her at all hours of the day or night. Y also threatened to harm X if she took him to court. X came to court and received a summons for Y to answer the charge that Y "did with offensive and disorderly language accost and annoy X, a person of the opposite sex."
>
> On November 22, 1976, Y came to X's apartment at 11:30 p.m. while she had a male friend visiting her. Y was in the hallway, saw the friend and became enraged, kicking the door to X's apartment. X called the police. Y went to the front of the building and was yelling at X, "Don't come out, I'll kill you." The police told Y to leave. Y returned a short while later. The police again responded and took Y from area. Y then called X and threatened her.
>
> The following morning, X came to court and received a warrant for the arrest of Y on a threats complaint. Y was arrested and the case was arraigned on December 9, 1976. On the first continuance date, there was admission to sufficient facts and the case was continued without a finding for one year on the stipulation the defendent stay away from the victim. A review was ordered for March 31, 1977.
>
> On February 26, 1977, at 7:30 a.m. as X was leaving for work, Y jumped out in the hallway of her apartment and said that he wanted to talk to her. X stated that she was late for work and did not want to talk. There was a cab waiting for X and her son. X tried to get into the cab and Y told the cab to leave. Y grabbed X by the arm and threw her against a van. X told her son to go

upstairs and call the police. Y took X into an armlock and forced her into his car and drove off. Y drove to a location in Roxbury and dared X to get out. X refused and Y drove her to work.

X came to court on March 7th and a summons was issued for Y for March 21st. At that time, the case was continued until April 4th on a charge of assualt and battery.

Later in the day on March 21st, Y came to X's apartment. He had obtained a key and walked in. Y refused to leave when X requested. He had on prior occasions intruded into her apartment. X called the police and Y left the apartment before the police arrived.

X again came to the court and received a warrent for Y's arrest on a complaint of trespass. On April 4th, Y was found guilty of assault and battery for the incident of February 26th and given a three month suspended sentence, probation for one year. The trespass charges were filed. There was to be a July 5th review. The threats charge on which Y had been given a continuance without a finding was brought forward and on April 14, 1977, sent to mediation. An agreement was reached on April 21st. The agreement called for Y to stay away from X and to have limited visitation rights with his child. On April 28th, the court determined that Y should have no visitation rights until after a hearing on a probation surrender hearing to be held on May 24th. On May 24th, all matters were continued until August 23rd and on that date all matters were continued until November 22, 1977.

There were three additional incidents for which clerks hearings were held on October 21, 1977. The warrants were not issued on that date, but the matters were continued until November 1, 1977, and Y was told that the warrants would not be issued if there was no further difficulty. The three incidents occurred on October 7, 11, and 13th. At 1 a.m. on October 7, 1977, Y came to talk to X at her home. An argument ensued and Y grabbed for X's throat and began slapping her. The noise awoke the children. Y yelled at them and struck one of the children. At 3 p.m. on October 11, Y came to X's apartment and when told to leave, kicked open the door and threatened to kill X if she called the court. He struck X and then left. October 13, Y broke into X's apartment, slapped her and threatened to burn her house.

On November 4, 1977, Y went to X's apartment and was told to leave. He kicked the door down, slapped X. Y went into his daughter's room and made sexual advances towards her.

The following day, Y was charged with assault and battery, breaking and entering in the daytime with the intent to commit a misdemeanor, and threats. The trial on these matters resulted in a guilty finding and a ten day commitment.

> On December 6, 1977, warrants were issued for Y on a complaint of arson. The case is scheduled for trial for December 23, 1977.

Breakdowns occurred in cases in which there was less stability and maturity in the parties involved and the terms of the agreement were insufficient to deal with the problems. This rate of breakdown is perhaps inherent in a structure which has the power to merely seek to facilitate agreements between disputants who often lack insight into the seriousness of their problem rather than the professional personnel who, through arbitration, can impose conditions to modify the parties' behavior.

Most of the breakdowns occurred during the 3-month trial period after the court had allowed the agreement to be tested, rather than prior to the test period. This would lead one to conclude that the defendant-respondent was serious at the time of the mediation and that subsequently the dispute was too serious for mediation or the agreement did not adequately deal with the cause of the violence.

Forty-eight cases or 74 percent of the total sample of cases in which a settlement was reached ended in being dismissed after mediation. The 48 cases represent 56 percent of the total sample of 86 cases. This category must be considered the "success" cases of the sample. It would be narrowminded, however, to assume that the remaining 44 percent were "failures," as the process of sitting down with the goal of resolving disputes not only sets an example to the participants, but also results in positive behavorial changes on the part of many of the defendants. The real failures are those cases in which the mediation process delayed the processing of the case and increased the period of abuse from the defendant. The case history previously noted is an example of such a failure.

There were particular problems unique to particular circumstances. Where the couple had children but were not living together, the issue of visitation rights created conflict. There were not many situations where the dispute arose over financial support. In married couples, the primary complaint was the use of alcohol by the defendant and the resulting violent behavior. In 12 cases, alcohol was mentioned as one of the primary areas for attention. Drug counseling was necessary only once. The low number of psychiatric referrals would be in part because of the requirement that the referral must be voluntary and a general mistrust of community mental health centers as a referral. There were six instances where marriage counseling was sought. These were all cases in which the parties were living together and wanted to improve their marriage. The mediation panel in these instances obviously provided the ideal diversion mechanism.

TABLE VI
Nature of the Mediation Agreement

Nature of agreement	Total
Agree to get along	25
Alcohol counseling	12
No contact	12
Drug counseling	1
Psychiatric counseling	1
Marriage counseling	6
Visitation	6
Financial agreement	11
Employment counseling	2
Restitution	3
Divorce	3

Restitution is a concept new to the criminal justice system and, like diversion, has the purpose of promoting appreciation by the defendant of the effect of his actions on the victim, was agreed to on three occasions. These were cases in which the victim was not financially dependent on the defendant. Three cases resulted in the agreement to obtain a divorce. The Urban Court Program on these occasions would aid the parties in initiating the legal proceedings and referral to Legal Aid Programs were made. While not having the happy endings of some of the other case histories, these cases may have prevented further violence more than any others.

The category "agree to get along" would seem so vague as to lack meaning, but the further vow to attempt a relationship based on love or at least friendship is an essential first step towards reconciliation. This agreement to get along would often be spelled out in detail in the agreement:

> Y is a 36 year old male who had been married to X for a number of years. On January 23, 1977, Y struck X a number of times requiring her to go to the hospital with injuries to the face and hands. The incident resulted from a conversation X initiated after she had opened the mortgage statement. Y had not paid the bill for two months.
>
> X came to court and obtained a warrant and Y was arrested on January 26, 1977. The case was arraigned and referred to mediation. A mediated settlement was reached on January 27th.

> The agreement stated that both parties agreed to get along, they agreed to discuss their problems in private and not in front of the children; X agreed to not question her husband about the way he spends the money, to not accuse her husband of seeing another woman, to not inquire about her husband's whereabouts with friends. If the agreement breaks down, X will return to court and file for separation. Y agreed to pay more attention to his wife, to spend more time at home, not to see another woman, not to take the children to another woman's home. The case was continued until May 19, 1977, when the case coordinator reported that X and Y's relationship had improved. The case was continued an additional three months until August 18, when it was dismissed.

The agreement to have "no contact" is the reverse of the agreement to "get along." Violence can be prevented easiest by removing the source of frustration, and agreeing to have no contact is the admission that there is no possibility of resuming the loving relationship. A source of frustration exists in the situation where one party has made a psychological break from the other spouse, but the other party is still dependent and feels increased jealousy of his/her relationship with those of the opposite sex:

> Y is a 25 year old male who was separated from his wife X. On November 6, 1976, Y came to X's home to see the children. A discussion between X and Y over the sale of a dog turned into a violent incident. X called the police and Y became upset over the call and picked up a chair and X was hit in the face with it. The police arrived within a short time and Y ran from the scene. X did not go to the hospital, but came to the court for a summons for a hearing on November 22, 1976. The case was sent to mediation. A mediated settlement was reached on December 6, 1976.
>
> The agreement stated that X would allow Y to see the children at any given time if he calls before coming. The children would be picked up from Y's mother's home and Y was not to take the children to the home of his female friends. X was not to harass Y in any manner or to call him. Other than the contact spelled out in the agreement, there was to be no contact between X and Y.
>
> The case was continued for three months on December 13, 1976. On May 16, 1977, the case was dismissed when it was reported, by the case coordinator, that no further difficulty had ensued between X and Y.

In these cases, no contact can prevent further irritation and the resulting violent behavior.

Trends in Court Diversion

The Urban Court Program is only one of many diversion programs. Others are operated out of Columbus, Ohio; New York, New York;

Rochester, New York; Miami, Florida; and San Francisco, California. While there is no specific information as to how each of these programs deals with spousal abuse, this section will describe these six programs, paying specific attention to the referral mechanisms, case criteria, method of resolving the dispute, and goal achievement.

The Urban Court Program, Boston, Massachusetts

The Dorchester community is largely composed (approximately 50 percent) of a white Irish Catholic working class, with family roots in the community and a strong neighborhood identification. In recent years, there has been an influx of the black working class, who have expanded into the traditionally white neighborhood. Interracial conflict has been prevalent in the community, exemplified by the school busing controversy. There is also a small percentage of Puerto Ricans, with their own cultural identity, antagonistic to both black and white.

Existing as a separate entity within the community, the Columbia Point Housing Project is predominantly inhabited by the poor black and Puerto Rican population. Despite this ethnic and racial mixture within the community, Dorchester can by no means be considered an integrated community. The boundary lines between the races are clearly defined.

Recently the community has been actively involved in both the politics and the operation of the district court. The black and Puerto Rican population consistently has used the court as the arena for settling interpersonal disputes. In addition, the deterioration of the Catholic parish, traditionally an agent for resolving family disputes, has resulted in an increasing referral of family violence cases to the court.

The Urban Court Program operates from the municipal court of the Dorchester district, Boston, Massachusetts. It became operational in November 1975 with the assistance of the Dorchester District Court, the Suffolk County District Attorney's Office, the Mayor's Committee on Criminal Justice, the Massachusetts Committee on Criminal Justice, the Boston Police Department, and the community representatives of the Dorchester Court Advisory Board. The program was funded through a 3-year discretionary grant by the Law Enforcement Assistance Administration.

The program consists of four separate components, each designed to address specific issues of criminal justice reform:

Disposition Panel: A component of the UCP develops sentencing recommendations to the district court for defendants who admit to sufficient facts or for whom there has been a finding of sufficient facts.

Victim/Witness Assistance Project Case Flow Chart

Referral from clerk Referral from police
Victim/witness interviewed by ADA and/or victim specialist
Prosecute case
Yes No
Obtain facts of incident
ADA prepares case for arraignment. Victim specialist completes interview and orientation of the witness to CJS.
Identify any social service needs of victim/witness
Client needs services
Yes No
Clients accepts services
Yes No
Provide service or complete referral to appropriate agency
Provide postarraignment service
Notify victim/witness of trial
Provide orientation during and post-trial
One-month followup of referral cases
Six-month followup of referral cases
Close case

Victim Services: A component of the UCP which provides specific social services to victims and witnesses who are referred to the unit by the victim/witness assistance project of the Suffolk County District Attorney's Office.

District Attorney's Victim/Witness Assistance Project: This project is housed in the office of the district attorney and is directly responsible to the prosecutor. The unit provides initial intake of all victim/witnesses coming through the court through a process of "intake screening." (Laszlo, 1976) The case flow chart illustrates the primary functions of the unit.

Mediation: A component which offers an alternative method of handling criminal complaints. Complaints referred to mediation characteristically involved disputants who know one another: family members, neighbors, landlord/tenant, etc. The component provides dispute settlement service to the district court by utilizing trained community volunteers to conduct mediation sessions.

Referrals to the unit may be made by the clerk of courts after a 35A hearing, the district attorney after screening, and the bench after arraignment.

Upon referral, an Urban Court staff member is available to explain the program to the complainant and the respondent. The disputing parties consent to mediation by signing a voluntary agreement form. When the respondent is not present at the time of the referral, a letter is sent requesting that he contact the Urban Court offices within 72 hours. Once an agreement is signed by both parties, a panel of two or three mediators is selected and a time for the session is scheduled.

An important difference between the mediation component and many other programs around the country is that it offers only mediation, not arbitration. Matters are referred back to the court when settlements cannot be reached. Either the clerk's office decides to issue the complaint, or the district attorney's office processes the complaint through normal court procedures.

Mediated settlements are written up by the panel, signed by both parties, and witnessed by the panel members. Copies of the agreement are given to both parties. The agreement is not legally binding. The panel encourages disputants to contact the program when problems occur. The panel also informs the parties that a staff member will be in contact within 2 weeks to monitor the agreement.

If a complaint was not issued prior to referral to mediation, the project staff simply notify the clerk whether or not an agreement was reached. If a complaint was issued, then the disputants must appear in court. A copy of the agreement is forwarded to the district attorney's office and the probation department. At this point, the case will either be dismissed or continued for a period of 3 months. After the continuance, the complaints will be dismissed, provided the agreement has not been abridged. According to a recent study, the breakdown of referral sources to the unit indicate the following: police—2.2 percent; district attorney and bench—57.4 percent; clerk—33.4 percent; community organizations and walk-in—7 percent.

Before scheduling a mediation session, the disputants are informed in detail of the component's intent and procedures. A staff member is available at the court each day to speak to disputants once a referral has been made. Sessions are scheduled at the convenience of the disputants, with most sessions occurring in the early evening or the weekend. Prior to the actual mediation session, the panel is briefed on the nature of the dispute.

During the initial phase of the session, the proceedings are explained. There is particular emphasis placed on the nature and function of the unit: (1) that the panelists do not formulate the agreement, but rather act as facilitators to the disputants; (2) that the mediation agreement should be one that the disputants can honor; (3) that the agreement is not legally binding.

The complainant is then asked to relate the incidents of the dispute. The defendant is given the same opportunity. Once the initial information has been elicited, the mediators may question the disputants to determine the underlying causes of the dispute.

The substantive portion of the mediation is accomplished during the individual sessions with the disputants. When an agreement is reached, the mediators reduce it to writing and present it to the disputants. The following exemplifies an agreement between a husband and wife in our sample.

AGREEMENT

> We the undersigned, having participated in a mediation session on March 16, 1976, and being satisfied that the provisions of the resolution of our dispute are fair and reasonable, hereby agree to abide by and fulfill the following:
>
> (1) X and Y agree to a total separation.
>
> (2) X agrees to accept a referral for personal and legal counselling from the Resource Coordinator at the Urban Court Program.
>
> (3) Y agrees that when he has the money he will contribute to the support of his daughter. The money will be used only for his daughter.
>
> (4) X and Y agree to the following terms for Y's visiting his daughter:
>
> a. Y will call a day in advance.
>
> b. Y will be allowed to visit no more than three times a week.
>
> c. His visits at the house will be no longer than two hours long.
>
> d. If he takes his daughter out, he will keep her no more than eight hours; he will tell X where he is going and when he will be back and will call X if there are any changes in plans.
>
> Signatures:
>
> We, the undersigned mediators having been in accordance with the Mediation agreement entered into by the above signed and dated March 16, 1976, and having heard these parties resolve their dispute, hereby affirm the above agreement.

At this time, the disputants may request any changes in the agreement. Only when both parties are satisfied is the agreement signed. Agreements generally have dealt with the alleged criminal dispute:

> At 8:30 a.m. on December 17, 1976, X was home on Levant Street, Dorchester, where she lives with her mother and a one year old child. Y, the 20 year old father of X's child, came with his new girlfriend to X's home and yelled to X that he wanted to see her and if she did not come to him, he would break her legs. X wanted to avoid any trouble and to see Y. Y began slapping X, kicked her to the ground and continued to kick her in the head. Y then left and X called the police. The police arrived shortly thereafter and took X to the hospital. After being released from the hospital, X came to the court and received a warrant for Y's arrest for assault and battery with a dangerous weapon, to wit, a shod foot. Y was arrested on April 27, 1977, when he again came to X's home. The case was continued the next morning until May 11th when it was referred to mediation. The mediation agreement was reached on May 18th.
>
> The agreement consisted of Y's promise to avoid contact with X, not to go to X's home, to plead guilty in a paternity suit to be filed by X at her earliest convenience and to pay X $25/week starting the following week. X agreed to stay away from Y and that she would allow their child to be picked up by the sister of Y for a few hours visit each Sunday afternoon at 1 p.m. starting the following Sunday.
>
> The charges were dismissed on September 1, 1977 upon request of the Resource Coordinator, who indicated that the agreement was working. The report further noted that "neither party is able to be in court today, because they are taking their baby to the hospital for an eye appointment."

Social service referrals are available to both parties and are often a part of the mediation agreement:

> X and Y had been married for a long period of time. Y, a 52 year old male with an alcohol problem, came home Saturday morning, March 5, 1976, picked up a knife and threatened X that he would cut her head off. The incident resulted in no injury to X.
>
> The following day, X came to court and received a summons for a hearing for March 21st. On that date, both X and Y were referred to the mediation panel and an agreement was reached on March 24th.
>
> Since it was clear, in this matter, that Y needed alcohol counselling, the case was continued without a finding on the stipulation that Y seek appropriate counselling through the Mediation Project. The case was dismissed on June 20, 1976 when the Resource Coordinator reported that Y had been keeping his alcohol counselling appointments at the Dimick Street Health Center and that he had obtained employment.

Each case is reviewed by the court 3 weeks after arraignment. If an agreement has been reached, the case is continued for 3 months. If no further difficulties arise, the court dismisses the criminal complaint at the end of the 3-month continuance. If the mediation session is unsuccessful, that is, no agreement is reached, or the mediation agreement breaks down, the district attorney's office proceeds with the prosecution of the complaint.

According to recent evaluations of the Urban Court Program, 36 percent of the cases referred include "family" disputes, 20 percent neighborhood disputes, 17 percent interpersonal disputes, 18 percent landlord/tenant disputes, and 17 percent miscellaneous disputes.

The project accepts referrals of both felony and misdemeanor cases. However, in order for the court to take jurisdiction over the case, the felony charge must be reduced to a misdemeanor. This process requires the consent of the district attorney's office.

The mediation component has not been involved in family disputes of an economic nature, such as "non-support" or "illegitimacy." The component does not mediate "bad check" cases.

Primary goal achievements have included citizen involvement in the dispute settlement process and community education about the function and limitations of the court, as well as diversion of potential criminal cases from the court. It is hoped that through mediation the offender gains a better understanding of the impact of his actions on the victim and the community. The victim and community members thereby become involved as participants rather than observers in the mediation process.

The Columbus Night Prosecutor's Program. Columbus, Ohio

One of the first experiments in dispute settlement through diversion, the Columbus Night Prosecutor's Program (CNPP), is operated by the city attorney's office in Columbus, Ohio. The program serves Franklin County, with a total population of 921,000, with the city of Columbus accounting for approximately 67 percent of the population.

The program was established in November 1971 as a collaborative effort between the city attorney's office and the Capitol University Law School. It received block grant funds from the Law Enforcement Assistance Administration in September 1972 to allow for an expansion, and more recently, the CNPP has been incorporated into the city budget. The program is housed in the office of the city attorney.

The CNPP receives referrals from the police and the prosecutor's screening staff. The complainant is interviewed to determine whether the case would be appropriate for mediation, or whether the complaints are sufficiently serious to demand that a criminal charge be issued. When the case appears appropriate for the CNPP, a date for the hearing is set at the convenience of the complainant, and the respondent is notified. The respondent is informed that "failure to appear may bring further legal action."

CNPP utilizes mediation as the method for dispute settlement. Law students from Capitol University Law School act as mediators. Attorneys occasionally accompany the disputants, although the program discourages the presence of counsel during the mediation sessions.

Hearing officers begin the session by explaining the purpose of the process to the disputants. The complainant is then allowed to present the facts of the dispute, followed by an account of the incidents by the respondent. An effort is made to enable the two parties to present their interpretation of the dispute without interruptions from the other party.

Once the initial facts of the dispute have been presented, the hearing officer encourages the disputants to explore the underlying causes of the dispute. The goal of the program is to have the parties arrive at a mutual agreement. Occasionally, a witness, usually a friend of the disputants, present at the mediation session, may be able to suggest terms of an agreement. If the parties are unable to arrive at an agreement, the hearing officer will suggest a solution which he sees as likely to be acceptable to both parties. At this time, the hearing officer informs the parties of the law and the criminal sanctions which may be applied to the incident; however, the hearing officer does not act as an arbitrator.

The program does not use written agreements; however, if the disputants request a written agreement, the hearing officer summarizes the resolution and presents a copy to the disputants. The disputants are informed that they are placed on "prosecutor's probation" for a period of 60 days. The aim of this procedure is to emphasize to the respondent that criminal charges could be brought. In fact, the "prosecutor's probation" has no independent legal force and the threat of filing a criminal complaint stands more on the merit of a repeated offense than on the violation of the mediation agreement.

The CNPP focuses on criminal conduct involving interpersonal disputes in which there is a continuing relationship. This has included complaints of assault and battery, threats, destruction of property, and petty larceny. The program also accepts referrals for "bad check" cases. A recent evaluation of the program indicated that the breakdown of cases was 61 percent bad checks and 39 percent interpersonal dispute. (McGillis and Mullen, 1977)

The development of the CNPP has provided the city attorney's office with a mechanism for diverting a complex array of misunderstanding, hostilities, and distrust, common in citizen complaints, without having to bring the matter before the court. It was hoped that through mediation, prior to issuance of a criminal complaint, the caseload of the court would be considerably lightened.

Although the program maintains limited records of its cases, it has been noted that of the 6,429 interpersonal disputes handled by the program only 2.5 percent or 161 cases resulted in the issuance of a criminal complaint. The bad check cases likewise resulted in a relatively low rate of criminal complaints, with a total of 1,104 from a total sample of 10,146 cases mediated. (McGillis and Mullen, 1977) Thus, an estimated 92 percent of the cases were diverted from the criminal justice system.

The program does not have a means for estimating whether the cases selected by the project would have been processed through the criminal justice system. Clearly, many of the disputes are technically chargable criminal offenses, but it remains unclear what proportion of the cases would have been removed from the system by the prosecutor's intake screening program, or would have been dismissed at the request of the complainant.

The Miami Citizen Dispute Settlement Project. Miami, Florida

The Miami Citizen Dispute Settlement Project (MCDS) is operated by the administrative office of the courts of the 11th Judicial Circuit of Florida. The project was developed in the fall of 1974 and became operational through block grant funds from the Law Enforcement Assistance Administration. The project serves Dade County, with a population of 1,467,000. It is housed in the Metropolitan Justice Building, which also houses the criminal courts and the prosecutor's office. Branch offices of the project have also been established in the lower courts.

The MCDS accepts referral from the prosecutor's office, the Miami Police Department, and the public safety department. Additional cases are referred by community organizations and walk-in clients.

Complainants are interviewed at the prosecutor's office by the intake-screening clerk and are referred to the project when the dispute meets the case criteria. A project counselor then interviews the complainant to determine whether the case is suitable for mediation or would be better handled by another agency (i.e., legal service, welfare department, consumer protection). If the case is accepted for referral, a hearing is scheduled and the respondent is notified that a complaint has been lodged against him and that "failure to appear may result in the filing of criminal complaint based upon the above complaint." If no criminal action has occurred, the respondent is advised that the failure to appear at the mediation hearing may result in the aggravation of the situation.

The project utilizes mediation as the technique for dispute settlement. Mediators are professionals, representing a diversity of disciplines (social work, law, sociology, psychology). They have been trained through a program designed by one of the mediators. The purpose of the training had been to ensure that the mediators have common experience in approaching the types of disputes handled by the project, rather than to teach actual techniques of dispute settlement.

Mediation sessions are held in one of the courtrooms. At the beginning of the session, the disputants are informed of the nature of the CDSP and reminded that the proceeding is not a formal court hearing, that no decision of guilt or innocence will be made, and that the purpose of the hearing is to attempt to resolve the dispute.

The complainant is asked to relate the incident, followed by comments from the respondent. The mediator then attempts to identify the dispute issues and assists the disputants in reaching a mediation agreement. The parties are encouraged to arrive at a written agreement, although a written resolution is not a requisite of the process.

Case followup occurs the following day. In cases in which there has been an agreement, the matter is considered closed and the original complaint is dismissed. If the parties have not reached an agreement, the case is reviewed with the complainant for possible recommendation for prosecution. The project also provides referral to social services if requested by the complainant or respondent.

The MCDS accepts referrals for both criminal and civil complaints. The project's grant application cites nine offense areas which are particularly amenable to the structure of dispute settlement. These offenses, in order of priority, are: disorderly conduct, assault and battery, malicious mischief, trespass, animals, family and child, possession of stolen property, petty larceny, and loitering. According to court records, it is estimated that these comprise 60 percent of the total misdemeanor cases which enter the criminal justice system. The civil complaints handled by the project have included landlord/tenant disputes, neighborhood problems, consumer complaints, and domestic problems.

Current assessment of the project indicates that the total case intake was 4,149, and of those, 98.6 percent were resolved by mediation. The remainder of the cases were returned to the State attorney's office for prosecution. (McGillis and Mullen, 1977)

No formal evaluation of the project has been done. As with the CNPP, it is impossible to determine how many of the cases would have been screened out of the criminal justice system by the prosecutor's screening process. Thus, the exact impact of the project upon the caseload of the prosecutor's office and in the court is difficult to estimate. Furthermore, estimates of cost savings cannot be determined as there are a number of different estimates as to the cost per case. It is apparent that, until an evaluation of the project is available, its impact on the dispute settlement process, the relative success of the mediation agreements, and the cost savings will remain unclear.

The New York Institute for Mediation and Conflict Resolution Dispute Center. New York, New York

The New York Institute for Mediation and Conflict Resolution (IMCR) became operational in June 1975 through a grant from the Law Enforcement Assistance Administration. The center is sponsored by a private nonprofit organization, which was established under a Ford Foundation grant to train community mediators in mediation techniques. The center is located in an office building in Harlem and services Manhattan and the Bronx.

IMCR received the majority of its referrals from the police department during the first year of operation. However, recently the referral source has expanded to include the summons court of the criminal court, the criminal court, and walk-in clients.

In cases in which there was no arrest made, the police refer directly to the center. In cases in which an arrest is made, a dispute center staff member reviews the case to determine if the dispute is appropriate for referral. The case is then reviewed by the district attorney's office and the court division of the Manhattan Criminal Court, and if diversion appears appropriate, the matter is referred to the center.

In addition to police referrals, the summons court may divert cases to the center. The IMCR staff member reviews the case, explains the process to the complainant, and a hearing date is set. If the mediation/arbitration is successful, the court is notified that the case may be dismissed from the docket.

The center utilizes a combination of mediation and arbitration techniques; however, mediation is preferred as the form of conflict resolution. Mediators are community members who have been trained by the Institute for Mediation and Conflict Resolution.

During the initial phase of the mediation process, the program is explained to the disputants. The complainant and respondent are then given an opportunity to relate the facts of the dispute. At this time, the role of the mediator is to assist the disputants to reach a settlement. If no agreement is reached, the mediator arbitrates the dispute and an "arbitration award" is made.

Enforcement of the "arbitration award" involves making a motion to the civil term of the New York Superior Court. If confirmed, the motion is followed by a motion for a particular judgment, usually a financial award, or contempt of court action in cases of behavioral agreements.

The center accepts referral for a wide variety of both criminal and civil complaints. The offenses generally include various degrees of harassment, disorderly conduct, assault and battery, and trespass. The center's own assessment of its case processing indicates that the vast majority of these offenses are settled by mediation, rather than arbitration.

As with other programs, the impact of the IMCR Dispute Center on the caseload of the prosecutor and the court is difficult to assess. It remains unclear whether the cases handled by the center would have penetrated the criminal justice system. It may be argued that cases referred by the police would have been dismissed by the summons court, although that factor alone does not necessarily indicate that the center is not providing a valuable diversion for the court. Since there is no data available on the rate of return of cases in which there was a breakdown of the mediation, it is difficult to determine what portion of these "diverted" cases do reappear on the docket with more serious complaints.

Rochester American Arbitration Association Community Dispute Services Project. Rochester, New York

The Rochester Community Dispute Services Project is operated by the American Arbitration Association and is funded by block grant monies from the Law Enforcement Assistance Administration. The CDSP serves Monroe County, including 19 towns, 10 villages, the city of Rochester, with a total population of 711,917. Project offices are located in Rochester in an office building near the court.

Referrals to the CDSP are primarily from the clerk's office in the various courts in Monroe County. The procedure is to schedule a hearing prior to the issuance of a warrant for the defendant. At this time, the disputants must agree to binding arbitration. At the hearing, a member of the clerk's office, a CDSP staff member and an assistant district attorney discuss the nature of the complaint with the complainant and the respondent. If the dispute cannot be resolved at this initial hearing, the disputants are referred to either the arbitration panel or the court for the filing of charges.

Like the New York project, the CDSP maintains that mediation is the preferable form of conflict resolution, with imposed arbitration as the alternative if mediation is unsuccessful. The project's data indicate that in the majority of cases, mediation is unsuccessful. If there is a breakdown of mediation attempts and no settlement is reached, the mediator acts as arbitrator and imposes a resolution. Once the arbitration award is made, the disputants may return to the project and renegotiate the terms of the award if they both agree that changes in the award are desirable.

The enforcement of the award is through the civil term of the New York Superior Court, and like the New York project, motions for a specific judgment or contempt of court action are filed.

Case criteria has remained constant since the beginning of the program and the distribution of the types of cases referred to the project has remained relatively stable. (McGillis and Mullen, 1977) Offenses deemed suitable for mediation/arbitration include interpersonal disputes, violation of city regulations, landlord/tenant matters, "bad check" cases, and consumer complaints. The project does not accept referrals for cases which may be more appropriately handled by the family court or small claims court.

A study of the Rochester project states that 58 percent of the cases referred were resolved by the disputants at the initial hearing. The remainder of the cases never reached the hearing due to the refusal of the disputants to participate, the resolution of the dispute prior to the hearing, or a decision to prosecute the case. Of the mediated cases, 98 percent have not required a return to the project with the same problem. (McGillis and Mullen, 1977) This data must be assessed with a number of reservations. First, the project does not monitor mediation agreements, thus there is no available data on cases which initially are mediated and then breakdown. Furthermore, it cannot be determined whether these "diverted" cases reappear in the courts with new and more serious complaints.

Clearly, the prewarrant hearing procedure may eliminate some potential cases from the system. However, some of these cases may have been screened out of the system either by the clerk of courts or by the prosecutor's screening process. Like the other programs, the project's impact on the caseload of the court and the prosecutor is indeterminable. It is unclear to what extent the cases processed would have penetrated the criminal justice system.

The San Francisco Community Board Program. San Francisco, California

Although currently in the developmental stages, the San Francisco Community Program is included in this study as an example of a dispute settlement program which totally encompasses the concept of community justice. Unlike other programs described in this paper, the San Francisco model intends to intervene earlier, with no referrals expected from the court or the prosecutor.

In developing the theoretical framework for the program, two primary arguments were advanced for establishing a nonjudicial system for dispute settlement and social service delivery. First, the need to narrow the scope of the criminal process through a "front-end" service delivery approach. It was argued that a nonjudicial system for minor cases would permit the reallocation of criminal justice resources to more serious crimes and that social service delivery would not be delayed until formal court proceedings were completed. Second, there is a need to overcome "civic dependence and ignorance" and to redirect formal criminal justice resources by involving citizens. It is envisioned that the community board will provide the system with a preventative measure to circumstances which could develop into violations of the law, relying on citizen participation and the delivery of services in lieu of arrest rather than as a condition of probation.

Summary and Conclusion

In conclusion, it must be noted that when two parties and more specifically, spouses, have a dispute which results in violence towards one party, there are several alternatives available to the victim. First, there is inaction—an alternative often chosen. Secondly, there is active avoidance through the termination of the relationship. While this response may be appropriate for some, the emotional involvement and economic dependence of a spousal relationship often precludes this alternative. The voluntary use of social service agencies and other assistance programs requires a genuine concern for personal improvement, insight into individual needs, and self-motivated action on the part of the individuals involved. It is beyond the scope of this paper to assess the use of these agencies. It is only when the above alternatives are not exercised that the dispute would be the subject of this paper.

The victim, in all models discussed, sought resolution of the dispute through a third party. Each model has the similarity of attempting to resolve the potentially criminal matters through diversion from the criminal justice system, while utilizing the court's authority to either enforce the mediation agreement, or to serve as a coercive threat in order to bring the respondent before the mediators. The programs varied, to some extent, with respect to referral source, types of cases accepted for mediation, extent, and nature of followup. Their commonalities lie in their affiliation with the local court and the emphasis on community involvement in the dispute settlement process.

With the exception of the Miami program, nonprofessionals are used as mediators/arbitrators. Clearly, mediation rather than arbitration is the preferred form of dispute settlement. This is partially based on the premise that an agreement made voluntarily by the disputants is more likely to resolve the underlying problem, since the parties must recognize their individual responsibilities in preventing any further violence. The assessment of the 2-year sample of cases in the Boston area supports the theory. However, it must be emphasized that a form of coercion, whether through an "arbitration award" or the threat of criminal sanctions, is an essential component of dispute resolution in spousal abuse cases. It gives the court the necessary control over the defendant to ensure that the terms of the mediation agreement are honored, while assuring the victim that the court is necessarily responsive to her request for assistance.

The community-member-mediator provides an appropriate mechanism for dispute settlement. It allows the parties to the dispute to reach a resolution with the assistance of individuals with whom they have some identification, and whose recommendation for social services may be more readily accepted.

In developing a model of diversion, each community must consider a number of factors. The nature of the local court and the community accessibility of the court are important if a mediation model is to either accept referrals from the court or use the sanctions of the court as a monitoring tool. Further, an understanding of how the police handle family violence cases is crucial if the mediation model is to rely on police referral. In addition, the role of the district attorney and his option to prosecute a particular criminal complaint must be clearly defined.

Goal achievement is a prime consideration. Issues of whether the model will concern itself with "quantity rather than quality" must be considered. An effective dispute settlement program may in fact divert a large number of cases from the criminal justice system and provide extensive followup, especially in cases of spousal abuse, but may not save the court in its expenses. Furthermore, in assessing a particular spousal abuse case, the "number" of diverted cases becomes secondary to the appropriateness of diverting the case. As noted in the data sample, certain cases were more appropriate for prosecution rather than diversion.

Certainly, a number of models of dispute resolution may be effective, given the nature of a particular community. Court diversion of spousal abuse cases allows the parties to recognize the underlying issues resulting in violent behavior, and hopefully provides both the disputants and the criminal justice system with a more sensible method of conflict resolution and a precaution against further violence between the spouses.

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*Response of Yolanda Bako**

Morton Bard and Harriet Connolly have presented their perspective on the role of police in intrafamily violence and the effectiveness of crisis intervention training for developing more sensitive, adept, and well-rounded police officers. The implementation of programs that attempt to increase the efficiency of our police departments is to be welcomed.

However, I believe it would be useful to bring the limitations of the role of the police in familial violence into a clearer perspective with relationship to the whole problem. Bard and Connolly find: "Ironically, at the same time that the police have been seeking to improve their methods of managing violent family encounters, organized criticism of their response to instances of wife abuse has been escalating." It seems to me reasonable that public awareness, including both criticism and suggestions for improvement of police involvement, would increase in direct proportion with the amount of public awareness around the issue of wife abuse in general. Rather than ironic, I have found that in any process of social change there is always an inherent tendency to focus attention on the problems of the victimized population—in this case battered women. Part of that focus is to identify the intervening forces that impede the advancement of the victimized group under the guise of law and order.

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* Coordinator and founder of Women's Survival Space, Center for the Elimination of Violence in the Family, in Brooklyn, New York; active in community education and outreach. Bako has renovated a hospital for use as a shelter for battered women and their children, designed and implemented a police training program, and initiated a seminar on rape victim advocacy for medical students. She has discussed the issue of women battering on major television and radio programs as well as before legislative and governmental groups.

Before the creation of the few shelters and other services in New York, there were only two options available to battered women. One was the overcrowded, complicated family court where the proceedings consist of civil litigation—i.e., *X* versus *Y* —as opposed to the overcrowded, complicated criminal court where the litigation is the State of New York versus *Y*. The second alternative was the police. As I see it, one of the major benefits of the recent change in legislation making wife battering a crime against society is in raising the consciousness of all citizens that wife battering can no longer be tolerated. Hitting one's wife can no longer be viewed as an imprudent act carried out in the privacy of the home that can be forgiven the next day. It is now everyone's problem to solve.

In working with victimized women over the past 5 years, it has been my experience that most women who do have the fortitude to seek outside help do not understand the system well enough to know the options. They seek police help even when other options would be more appropriate. Bard and Connolly also state: "Sometimes, the appeal to the police follows an assault; more often, however, they are called not because a crime has been committed, but because one of the parties becomes afraid that things are getting out of hand." Another explanation of this phenomenon may well be that police are a far more well-funded, locally available, permanently established resource than battered women's service programs. The police are much better publicized than other human service programs. They even have their own public relations departments. A call to the police is truly a call for help even if the injuries inflicted have only been psychological or are not *currently, physically* apparent. Many women have been kicked in the stomach while pregnant; they have been pinched in the breast; they have often been hit in the back of the head, groin, or other area usually covered by clothing or hair. Many police officers do not notice these injuries or do not ask the appropriate questions or make the proper notations on their complaint forms. Regardless of these drawbacks, it is still much easier to seek help from a police officer who is in your own precinct and only a phone call away than it is to locate the scarce project providing free services to battered women. If a shelter or crisis center exists at all, it is usually minimally funded, staffed mainly by volunteers, is the only service for a 200-mile radius, and cannot provide the transportation or the staff to go directly to the home. If our government ever funded women's programs as well as it does the police, the quality and availability of services would be vastly improved and a solution to the problem of battered women would be well at hand.

In any case, since the problem is already at the doorstep of the police, I think it is essential to make reforms there. Bard and Connolly stated: "Should objectively derived data demonstrate negative consequences of police behavior for victims of domestic violence, changes must be made." If Bard and Connolly cannot find this data, I would be glad to provide it. In a research sample of women who sought shelter at Women's Survival Space (Center for the Elimination of Violence in the Family, Inc., New York), 97 percent complained about inappropriate police treatment. Two cases I know of were so damaging to the victim that complaints were lodged with the Civilian Complaint Review Board.

The Litigation Coalition for Battered Women in New York filed a lawsuit in December 1976 by 12 battered wives suing in behalf of all battered wives in similar situations in New York City. The complaint charges that battered wives are often denied police protection and family court aid. The 70 affidavits filed in the lawsuit outline over and over again instances in which the police unlawfully refused to arrest men who beat their wives in, failed to assist badly beaten wives in obtaining medical assistance, failed to make an arrest when a battered wife had an order of protection, and more. Many instances were cited in which family court personnel deterred or prohibited filing of an order of protection or temporary order of protection or forced women to seek probation counselling. In July 1977 Justice Gellinoff rejected efforts of the defendants to dismiss the case and held: "If the allegations of the instant complaint—buttressed by hundreds of pages of affidavits—are true, only the written law has changed; in reality wife beating is still condoned, if not approved by some of those charged with protecting its victims."

Although I agree with Bard and Connolly that the remedies proposed by battered women's advocates do have drawbacks, there are very few remedial changes in legislation that do not. At meetings in New York around proposed legislation, I found it difficult to contain my amusement while battered women's advocates who had not been through the rape prevention movement argued that the criminal justice system would be an improvement to the lot of the battered spouse. Anyone who was a veteran of the rape prevention movement and had, like myself, accompanied scores of women through criminal court knew only too well that the change would only be a theoretical victory. It would, however, force discussion into the open that was urgently needed to remove the stigma of silence that surrounds intrafamily violence. This stigma of silence has always been one of the worst enemies of victimized women. Only time will tell whether these specific statutory reforms will be of benefit to the battered spouse in New York.

Because it has been in my experience with battered women (and in that of Bard and Connolly) that "more victims of spouse abuse do not call the police than do," I would now like to touch on the implications of this with regard to the police role in society in general. Bard and Connolly make an important point when they mention that police officers are not given incentive for working in the area of family crisis intervention: "Traditional rewards in police organizations are geared almost entirely to functions that constitute the smallest proportion of work hours." Given that police officers spend most of their time functioning in a routine, service-oriented capacity, it would behoove the police departments to redesign their training programs in such a manner as to place a heavy emphasis on mediation and negotiation skills rather than what Bard and Connolly call "their [the police officers'] action orientation and their intolerance for delay in 'doing something'." This very "action orientation" plus the traditional stereotype of the police officer as the man-with-the-gun-fighting-crime make it hard for the battered woman in crisis to feel as though she is being dealt with by a sensitive and responsive individual. These factors also make it hard for the officer to maintain a high self-image as a "good cop" when not engaging in hot pursuit of psycopathic criminals. The statement by Bard and Connolly that "The attitude. . .is associated with the belief that any helping function requiring the use of interpersonal skills diminishes the masculine authority image of the police" is particularly significant. Although this image may be useful for the apprehension of an armed bank robber, it is precisely this masculine authority image that causes men to justify beating their wives and women to learn to be victims. This masculine authority image has also slowed the integration of women into the police departments. According to an article in the *New York Times* on July 15, 1974:

> Interviews with superior officers who have women in their precincts indicated that the women were handling every facet of police work as well as the men. Many noted that the women were *more often effective in handling family disputes* and even drunks.

The New York City Police Department is only 2.5 percent women officers. This is ironic if one considers the possibility that many women could be more effective at family crisis intervention than as much as 97.5 percent of the New York Police Department. A *New York Times* article in November 1974 quoted Police Chief Jerry Wilson of the Washington, D.C., Metropolitan Police Department: "Women have demonstrated they can do the job. . .I think it's possible to have a police force of all women and I would be willing to run it." Police departments that are incorporating training programs for interpersonal skills into their usual cadet regimens are making a step in the right direction; however, they would be making even greater strides if they invested this training in a tremendous resource quite capable of maximizing it—women.

In addition to being a women's group representative in police training seminars over the years, I might add that I had the "unique honor" of taking the most recent police civil service test, given in New York in 1973 to 53,474 applicants, not one of whom was hired because of job cuts. Many officers hired in the years just previous to 1973 were also let go because of lack of seniority, again showing that women, ethnic minorities, and younger, more impressionable officers are not even available within the ranks to respond to the training. I was able to see firsthand how even the screening process of applicants placed no premium on human relations skills and actually excluded the less "masculine" elements of society. The major screening process was a three-part exam: a rigorous physical fitness test, which many older officers could no longer pass; a medical exam that eliminated those under a certain height and weight; and a written exam of 100 questions, out of which only 2 dealt with the police relationship to intrafamily violence. Nowhere in the testing or extensive background examination was any value placed on a candidate's abilities or past experience in human relations functions. The veteran police officers administering the tests showed rampant sexism every step of the way. Women applicants were continuously ridiculed in front of their male coapplicants—women were chided while running the mile, while carrying 70-pound sacks, while hurdling obstacles and doing sit-ups. Every step of the way a veteran officer would pull me aside and ask, "Hey, honey, what does a girl like you want a job like this for?" While waiting in long lines, women applicants would hear, directly at them or behind their backs, remarks about how women would not be able to do this job because they were too small and weak. I myself was partially amused, when not furious, because many of the men were so steeped in their stereotypes that they could not alter their remarks for a 6 foot 1-1/2 inch, 172-pound woman—me. I scored 96 percent on the test and towered over many of my male coapplicants.

Since police are usually considered a conservative element of society and maintainers of the status quo, I believe reform within their ranks is essential because of their permanence. However, we must caution ourselves not to overemphasize the role of the police in the eradication of spouse abuse and work on the elimination of violence as a means of enforcing the dominant power relationship of men over women.

A comprehensive, coordinated approach must be used to lessen the problems on many levels because each individual case is as unique as the people involved in the interaction. Several options must be available to choose from and the victim must be given the breathing space to make the most informed choice. No victim should be forced to make that choice while in the midst of crisis with several crying, needy children looking to her to make the right choice. Therefore, along with legal, medical, and social service program improvement, I think it is essential to fund a network of battered women's shelters in local communities across the country much as has been done in both England and Canada. Although women's groups have pioneered, defined, and publicized the issues of violence against women, Federal agencies still do not accept their valid leadership. Federal legislation should, therefore, mandate support of existing battered women's shelters and financially support the evolving national coalition of battered women's groups.

There are many drawbacks to the two currently proposed bills to treat domestic violence. (A comprehensive analysis of the bills is published in *Feminist Alliance Against Rape,* Nov./Dec.1977, by Valle Jones.) Both NIMH and ACTION, as suggested administrators of grants programs, cannot adequately address the extensive needs of battered women for legal assistance, housing, jobs and training, public assistance, health care, children's services, and community education. An NIMH, mental health, approach would be detrimental to the image of battered women and would hamper public education efforts to end the stigma attached to the problem. An ACTION, volunteer, approach would institutionalize the free labor of women and hamper the leadership role of women's groups already providing aid over the past several years. In order to address the comprehensive nature of the problem, I think money should be allotted from every single Federal source: HEW, HUD, LEAA, DOL, Legal Services Corporation, Community Services Administration, ACTION. All of these agencies' services are relevant to the aid of battered women. The programs developed must be staffed by committed, sensitive women from diverse backgrounds who can introduce the victim to various options, provide her with role models of women who have successfully used these options, and give her a safe breathing space where she can begin to break the cycle of violence in which she and her children have been enmeshed.

In closing a critique of any program to aid battered women, I think it is essential to remember that most victims are never seen by any of the agencies intended to help them. Although battered women's shelter hotlines never stop ringing, it is the rare woman who has the fortitude to uproot herself and her children from a familiar situation, regardless of how violent, and seek the unknown—often in the middle of the night. Most service programs are so overwhelmed by the immediate needs of the victim that the long-term goal of primary prevention is considered, by some, a luxury. I cannot stress strongly enough the need to work on preventing the causes of victim mentality as well as the causes of coercive-violent mentality that are enforced in all of the media. Two thousand years of Judeo-Christian sanction have given the present high status to the masculine authority image. Thirty years of television have permeated every single home in the country, including many homes too poor to afford other luxuries and even some necessities, with the reaffirmation of this image and glorification of the coercive-violent mentality. There are still cartoons for children that depict a caveman clubbing a woman over the head and dragging her on the ground by her hair.

With the inception of the women's movement, media producers made a slight concession to the fundamental changes required by feminist activists. Rather than getting at the root causes of the abuse of the image of women in media, some slight, surface-only changes were made. Women are now allowed to hold jobs in addition to the major burden of childcare. A few women have even taken over traditional male jobs. However, "Police Woman," "Charlie's Angels," etc. still show a string of male colleagues eyeing the "sexy" officer's thighs while she is in the midst of performing impossible, heroic deeds that miraculously do not muss her hair or smudge her mascara. Still worse are the constant portrayals of women as seductive rape victims, vindictive wives, cold professionals, and a never-ending variety of prostitutes. Scenes of violence against women are the major draw in many popular movies, as well as the photographs adorning the covers of many record albums and magazines. At the current rate of technological progress, I am sure it will only be short time before we are forced to witness the mutilation of women in 3D holovision, unless the current trend of violence as entertainment is halted and reversed.

Along with the massive job of media reform, we must also promote the use of media for positive goals. Sensitive, realistic programs that deal with rape, child abuse, and battered women are seen by infinitely more people than can be reached by service programs and speaking engagements. Public service announcements on bus and subway, newspaper and magazine, and television and radio can reach masses of people who would not seek outside intervention. In New York, I have been working on developing such a program with the School of Visual Arts. The goal of the public service message is not only to end the silence and inform people of services, but an attempt is being made to improve the self-image of the victim and lessen the appeal of the assaulter.

Attachment

[FACSIMILE]

Litigation Coalition For Battered Women

New York City, New York

February 1978

Dear New York Coalition members,

How many of you know that a lawsuit was filed *last* December (1976) by 12 battered wives suing on behalf of all battered wives in similar situations in New York City?

We are 2 of 6 lawyers representing the plaintiffs. We are writing to you because over the last year we have spoken with many coalition members who did not know about the suit.

The lawsuit, *Bruno v. Codd,* which is the first comprehensive attack on the legal system's treatment of battered wives, asks the Court to order the NYC Police and Family Court employees to provide battered wives with the legal protection *already mandated* by state law.

The complaint charges that battered wives are often denied police protection and Family Court aid. The 70 affidavits filed in the law suit outline over and over again instances in which the police unlawfully refused to arrest men who beat their wives, failed to assist badly beaten wives obtain medical assistance, failed to make an arrest when a battered wife had an order of protection, and more. Many instances are cited in which Family Court personnel deterred or prohibited filing of an Order of Protection, or Temporary Order of Protection or forced women to seek probation counselling.

In July 1977 we won a decision in which Justice Gellinoff ordered a trial to be held. In doing so he rejected the efforts of all the defendants to dismiss the case and prevent a trial of the suit.

Justice Gellinoff held "If the allegations of the instant complaint–buttressed by hundreds of pages of affidavits–are true, only the written law has changed, in reality, wife beating is still condoned, if not approved by some of those charged with protecting its victims."

*Response of Charles Benjamin Schudson**

The Criminal Justice System as Family: Trying the Impossible for Battered Women

In recent years, advocates for battered women have demanded that the criminal justice system "do its job." They demand aggressive enforcement of assault and battery laws, and implore the criminal justice system to assist the victims of family violence. However, when responding to these demands, the criminal justice system is not performing its traditional role, but rather, is "doing the job" traditionally done by family. Unfortunately, the criminal justice system does not function well as a surrogate family to assist battered women. In fact, the very structure of the system holds an inherent "hostility" to battered women, exclusive of any conscious or personal resistance to their cause by individuals within the system. Advocates for battered women must understand that structural hostility in order that they be able to change the criminal justice system fundamentally so that it can be part of the effort to help battered women.

Bard and Connolly (page 9) note that the extended family once was the source of solutions to family violence. Laszlo and McKean (page 22) illustrate that the deterioration of family and its extended religious unit pushed violence out of the home and into the courts. The common presupposition is that once, in American society, families somehow contained violence in their midst. It is important to consider that perhaps such containment did not necessarily solve problems or end violence in the family. In some cases, "handling" the problem of the battered woman in the family might have been an accommodation of that violence, aimed only at preventing its spillage to other family members and its communication beyond the home.

Still, a common presupposition is that, in the past, families were so structured that they could minimize or eliminate violence by their members against each other. The breakdown of the extended family, the theory continues, has changed that structure and ability. What was it then, in that structure, that allowed the family to deal with violence? What is it then that the criminal justice system cannot replace?

The family's ability to prevent violence derived from at least three factors: (1) **Immediacy.** The violence was witnessed, in the same dwelling, by persons who would judge the incident and end it. (2) **Interest.** The violence affected other members of the family who had an interest in making sure the violence did not continue, did not extend to others in the family, and did not become known to persons outside the family. (3) **Authority.** The violence confronted a family willing and able to proscribe, prevent, or punish conduct (drinking, gambling, etc.), or address emotional problems that might have been the catalyst to violence. The criminal justice system does not have comparable immediacy, interest, or authority.

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* Charles Benjamin Schudson, 28, graduated from Dartmouth College, where he was one of 12 Senior Fellows, and from the University of Wisconsin Law School, where he was a member of the law review. In 1975 he was selected for a Fulbright Fellowship for study in Peru. Since August 1975 he has been a Milwaukee County Assistant District Attorney. In 1975-76, he helped develop the Milwaukee County District Attorney's Battered Women Project, and worked with hundreds of battered women. Since July 1975 he has coordinated Wisconsin's Medicaid fraud investigations, holding dual appointments as both assistant district attorney and special assistant United States attorney.

Immediacy. The first contact between the criminal justice system and a battered woman is the arrival of the police. The delay between the battery and arrival, whether minutes or hours, denies the criminal justice system the opportunity for immediate judgment and control. The relative impotence of the police, in comparison to the family under these circumstances, can be viewed at almost any critical position in the criminal justice system. For example, because the police officer was not present, she or he can neither judge the incident nor stop it. Because the police officer did not *witness* the battery, she or he may not be able to testify in court.

Interest. Unlike the family that is directly affected by violence in its midst, the criminal justice system has little or no inherent need to prevent or punish battery to women. If one assumes that the system is designed to eliminate crime, or at least to apprehend and prosecute the most serious crime, family violence ranks low on its list of priorities. After all, family violence has little obvious criminal impact beyond the family unit. It is difficult to see that family violence in this generation can contribute to the crime in the next, although it is clear that the armed robber tonight can also be the armed robber tomorrow.

Ironically, even if one assumes the opposite, radical perspective on the criminal justice system, the status of battered women remains the same. That is, if, as some suggest, the criminal justice system is not dedicated to the elimination of crime, but rather to its perpetuation in ways that nurture the health of the criminal justice system in society (see, for example, the works of criminologist Richard Quinney), family violence still would be ignored for either one of two compelling reasons: (1) Family violence, *because* it passes from one generation to the next, is fundamental to the continuation of violence in society. Thus, to prevent it would be to undermine a primary source of crime, and without crime the criminal justice system can not survive. (2) Even if "inherited" family violence is nonexistent or not fundamental to crime, methods to eliminate it would not materially contribute to the strength of the criminal justice system. Apprehension of family violence does not require the sophisticated technology that attracts grant proposals from police forces modernizing their crime-fighting capacity. District attorneys do not advance their careers by counseling battered women or prosecuting misdemeanor battery cases. Prisons are not strengthened by prosecution of crime that rarely leads to imprisonment. In fact, additional attention by the criminal justice system to family violence could add strength to other professions, such as social work, at the expense of resource allocations to police, prosecutors, and prisons.

In short, while families had a vested interest in the elimination of violence in order to preserve their health, the criminal justice system has no comparable interest. Women can continue to be battered, isolated in each home or apartment, while at the same time the criminal justice system pursues car thieves and armed robbers. To survive, the family had to eliminate or minimize violence. To thrive, the criminal justice system can be better off by completely ignoring family violence.

Authority. It is presumed that the family had little difficulty enforcing its proscriptions against violence. The family could act as counselor or punisher and, under extreme circumstances, could banish the member who repeated violence. Significantly, the victim child or spouse could remain with the family.

No comparable authority exists in the criminal justice system. Countless men batter their wives and find that the system will not prosecute them. Others find that when prosecuted for battery, a misdemeanor carrying a light maximum penalty, they receive probation or a fine. Even the most conscientious prosecutors and judges face a tragic dilemma when forced to consider that, if jailed, the man will lose his job and be unable to support the family he has victimized. Most often, the family is sent home, ready to repeat violence.

Thus, where the criminal justice system carries its authority to its ultimate power, the outcome almost always leaves the basic situation unchanged. In fact, the resulting situation may be worse because the woman no longer has threat of prosecution as a weapon against the man and because the tensions that led to the battery and prosecution may be exacerbated by the fact that prosecution has taken place.

Only the "first offender" seems susceptible to family-like authority controls of the criminal justice system. A dramatic, persuasive, threatening effort by the district attorney has a chance to convince a man that battery not only violates a woman and the family, but threatens his self-interest in terms of reputation and employment. Here the criminal justice system can be effective when the threat of prosecution in the event of another battery, coupled with enforced counseling, not only ends the physical violence but helps the family find those who can help to solve the underlying problems.

To compensate for its lack of immediacy and interest, the criminal justice system has been urged to seek specialization and expansion. The theory is that even though the system can never experience family violence with the immediacy and interest of the family, it can achieve specialized sensitivity to battered women through education of police, attorneys, and judges and expansion of resources to include counselors and social workers.

The resulting attempt by the criminal justice system to achieve specialization and expansion is a plethora of new police units, social agencies, and programs, illustrated by Laszlo and McKean as well as by the Milwaukee County District Attorney's Battered Women Project. The development of such specialization has raised a question noted by Bard and Connolly (page 24), and implicit in the Laszlo and McKean studies: Where, in the criminal justice system, should the specialization occur?

Viewing specialization as a substitute for immediacy and interest brings into focus the debate over police discretion. Those who would limit police discretion and require arrest in virtually every case of battery to a woman do not say that each offender should be treated in exactly the same way. Rather, they say that the police officer should bring the offender to others who have specialized understanding of family violence and who can determine the appropriate course for each case.

Others, however, argue for substantial police discretion because, in the criminal justice system, police officers are in the best position to approximate the immediacy of family. Moreover, they argue that with specialized training, police can attain counseling and referral skills. Thus, a denial of police discretion would result in a loss of immediacy without an offsetting gain in interest through specialization.

That second view of police discretion, however, does not account for present police practices, particularly in large cities. If police officers still walked the beat, and still maintained family-like relationships in the neighborhoods they patrol, they very well might be in a position to handle family violence with considerable skill and discretion. If the police officer's salary did not have such a direct relationship to overtime pay, the police might very well be encouraged to spend time with families in an effort to solve problems. But today's police officer works a strictly scheduled shift, rides in a squad car, transfers from one neighborhood to another, and is cautioned that overtime should only be used for court appearances. No arrangement could result in less immediacy and interest in the neighborhood and family.

Still, if police officers merely make arrests, they bring offenders further into the criminal justice system where district attorneys, judges, and agencies with less immediacy than the police have little inclination and ability to assist battered women. Located many blocks or miles from the family, they do not even have the police officer's interest in keeping the neighborhood quiet. Moreover, where the family's ability to deal with violence related to the continuing contact between the offender and the other family members, no such continuing contact can come in the criminal justice system. The most dedicated prosecutors, exhausted emotionally after a year of specializing in family violence cases, seek survival and professional advancement in other areas. Similarly, social workers, overwhelmed by their caseloads, have difficulty maintaining family-like contact and often move to another job after a year or two.

The realities of the criminal justice system negate another aspect of the theory that limits on police discretion will help battered women. Such limits, it has been said, would result in a flood of battered women cases in the criminal justice system, forcing the system to adjust. But the denial of police discretion merely moves the discretionary function down the line. Nothing in the structure and function of the criminal justice system gives the slightest hint that it would respond to the flood by increasing judicial, prosecutorial, and counseling resources available to battered women. At best, short-term projects will be funded. However, such projects, like Milwaukee's, succeed not only in helping many individuals, but also in raising counterproductive false hopes that fundamental and lasting change has occurred.

Thus, accepting the presupposition implied by Bard and Connolly and by Laszlo and McKean—that, in handling battered women cases, the criminal justice system is acting as a surrogate family—one is left with a pessimistic view. The criminal justice system can never approximate the immediacy of family. It can never have the vested interest in the family and, in fact, even might have within its own structure forces that militate against an interest in the elimination of violence. Finally, the supposed authority of the system most often proves illusory for the battered woman.

This is not to say that efforts to help battered women, both within and without the criminal justice system, should cease. On the contrary, it is to say that many, both inside and outside the criminal justice system, have been naive in their attempts to help battered women. To make fundamental improvements, it must be understood that the criminal justice system is being urged by battered women, their advocates, and those within the criminal justice system who support their cause to do something that cannot be done: replace family by enforcing criminal law against battery.

Advocates for battered women will have to understand that the criminal justice system has nothing inherent in its structure and function that would lead it to make battered women cases a priority. Furthermore, advocates will have to understand that even if police officers, prosecutors, and judges come to understand the relationship between family violence and "more serious" crime, limited resources still will vitiate the efforts of the sensitive and skilled persons in the criminal justice system. Advocates will have to understand the dynamics of social action and political pressure that lead the criminal justice system to allocate resources to certain areas not because such allocation is good or wise, but because, somehow, it becomes expeditious and necessary.

Shelters: Short-Term Needs*

By Marta Segovia Ashley† Founder, La Casa De Las Madres,
San Francisco, California

In Memory of
SEFERINA SEGOVIA ORTEGA
Born: December 2, 1908
Died: September 28, 1947
A Victim of Marital Homicide

Marta Segovia Ashley, founder of La Casa de las Madres, received the following letter in 1975 after speaking to a group of women about rape and marital violence:

> Dear Marta:
>
> Recently I attended one of your programs here in the Bay Area discussing the topic of rape.
>
> I attended the presentation with the intention of learning more about what is being done with regard to the rape victim.
>
> Much to my surprise, you began to include marital abuse in your discussion.
>
> You mentioned that wife beating is more common than rape.
>
> You will never be able to realize how it felt to sit there looking like a well-dressed middle-class woman knowing that you were talking about me. It was the very first time I have ever heard anyone say that I wasn't wrong for being beaten!
>
> You asked help from any woman who is subjected to this horrible form of physical abuse. You asked for anonymous case histories given to someone by the battered wife. I have no one to give a history to as there isn't anyone who knows about the situation well enough to be confided in.
>
> I will give you my own experiences at my own hand and hope that it will be useful to you.
>
> I am presently married to the man who beats me so I will have to remain unidentified.

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* Special thanks to the following La Casa staff/residents for their contributions to this paper: Alfria Carter, Janet Gendler, Marya Grambs, Marisa Herrera Matilde Caballero Hicks, Susan Jan Hornstein, Jeanette Webb, and Jane Does 1 to 10.

† Co-Founder of La Casa De Las Madres, a San Francisco shelter for battered women. She received her B.A. in radio and television from San Francisco State University, and her M.A. in education. She has produced videotape documentaries and dramatizations of racism and sexism, and founded Femedia III, a women's media collective that honors the creativity and cultural heritage of third world women.

There is so much to say. Most has never been said before. It is very difficult.

I am in my thirties and so is my husband. I have a high school education and am presently attending a local college trying to find the education I need for support. My husband is a college graduate and a professional in his field. We are both attractive people and for the most part respected and well-liked. We have three children and live in a middle class home with all the comforts one could possibly want.

I have everything, except life without fear.

For the most part of married life I have been periodically beaten by my husband. What do I mean by "beaten"? I mean those times when parts of my body have been hit violently and repeatedly causing painful bruises, swellings, bleeding wounds, unconsciousness, or any combination of those things.

Beating should be distinguished from being hit and shoved around which I define as all other physical abuse which does not result in a beating.

And let me clarify what I mean when I refer to threats of abuse. I am not talking about a man warning me that he may lose control. I'm talking specifically about a fist shaking against my face or nose, a punching bag jabbing at my shoulder, or any gesture which threatens me with the possibility of a beating.

I have had glasses thrown at me, I have been kicked in the abdomen when I was visibly pregnant. I have been kicked off the bed and hit while laying on the floor—while I was pregnant. I have been whipped, kicked and thrown, picked up and thrown down again. I have been punched and kicked in the head, chest, face and abdomen on numerous occasions.

I have been slapped for saying something about politics, having a different view about religion, for swearing, for crying, for wanting to have intercourse.

I have been threatened when I wouldn't do something I was told to do. I have been threatened when he's had a bad day—when he's had a good day.

I have been beaten, slapped and threatened when I have stated bitterly that I didn't like what he was doing with another woman.

Each time my husband has left the house and remained gone for days.

Few people have ever seen my black and blue face or swollen lips because I have always stayed indoors feeling ashamed.

I was never able to drive after one of these beatings so I could not get myself to hospital for care. I could never have left my young children alone and I certainly could not have left them alone even when I could have driven.

Hysteria sets in after a beating. This hysteria—the shaking and crying and mumbling—is not accepted by anyone so there has never been anyone to call.

My husband on a few occasions did call a day or so later to provide me with an excuse which I could use for returning to work, the grocery store, the dentist appointment, and so on. I used the excuses—a car accident, oral surgery, things like that.

Now the first response which I myself think of is "why didn't you seek help?"

I did. I went early in our marriage to a clergyman who after a few visits told me that my husband meant no real harm, he was just confused and felt insecure. I was to be more tolerant and understanding. Most important, I was to forgive him the beatings just as Christ had forgiven me from the cross. I did.

Things continued. I turned this time to a doctor. I was given little pills to relax me and told to take things a little easier. I was "just too nervous."

I turned to a friend and when her husband found out he accused me of either making things up or exaggerating the situation. She was told to stay away from me. (She didn't but she could no longer help.)

I turned to a professional family guidance agency. I was told there that he needed help and I should find a way to control the incidents. I couldn't control the beating—that was his decision. I was asked to defend myself against the suspicion that I wanted to be hit. I invited a beating. Good God! Did the Jews invite themselves to be slaughtered in Germany?

I did go to doctors on two occasions. One asked me what I had done to provoke him and the other asked if we had made-up yet.

I called the police one time. They not only didn't respond to the call, they called several hours later to ask if things had "settled down." I could have been dead by then!

I have nowhere to go if it happens again. No one wants a woman with three children. Even if someone is kind enough, they wouldn't want to become involved in what is commonly referred to as a "domestic situation."

Everyone I have gone to for help has somehow wanted to blame me and vindicate my husband. I can see it there between the words and at the end of sentences. The clergyman, the doctors, the counselor, the police—every one of them has found a way to vindicate my husband.

No one has to "provoke" a wife beater. He'll hit when he's ready and for whatever reason he wishes.

I may be his excuse but I have never been the reason.

I know that I do not want to be hit. I know, too, that I will be beaten again unless I can find a way out for myself and my children. I am terrified for them also.

As a married woman I have no recourse but to remain in the situation which is causing me to be painfully abused.

I have suffered physical and emotional battering and spiritual rape all because the social structure of my world says I cannot do anything about a man who wants to beat me. Society says that I must be committed to a man without any opportunity for an education and earning capacity. That my children must be subjected to the emotional battering caused when they see their mother's beaten face or hear my screams in the middle of the night.

I know that I have to get out but when you have nowhere to go you know that you go on your own and with no support. I have to be ready for that. I have to be ready to completely support myself and the children and provide a decent environment.

I pray that I can do that before I am murdered in my own home.

I've learned that no one believed me and I have only the hope that I can get away before it is too late.

I've learned also that the doctors, the police, the clergy and friends will excuse my husband for distorting my face but won't forgive me for looking bruised and broken.

The greatest tragedy is that I am still praying and there is no human person to listen. Being beaten is a terrible thing but more terrible if you are not equipped to fight back.

I recall an occasion on which I tried to defend myself. I actually tore a pair of pajamas. He produced them to a relative as proof that I had done something terribly wrong. The fact that I was sitting with several raised spots on my head hidden by hair, a swollen lip that was bleeding, and a severely damaged cheek with a blood clot which caused a dimple didn't even matter. The only thing that mattered was that I tore his pajamas. It didn't matter that I tore them in self-defense.

This is such an earthly position for a woman to find herself in. I would guess that it is incomprehensible for anyone who has not experienced a like situation. I find it difficult to believe myself.

Another point is that while a husband can beat, slap or threaten a wife, there are "good days" and this is what causes most people to wonder, why does she stay.

The good days tend to wear away the effect of the beating. They tend to cause the wife to put aside the trauma and look to the good. First, because there is nothing else to do. Second, because there is nowhere to go and no one else to turn to. Third, because the defeat is the beating and the hope is that it will not happen again.

A loving woman like myself always hopes that it will not happen again. When it does, she simply hopes again, until, it becomes obvious after a third beating that there is no hope.

That is when you turn from yourself outwardly and hope again to find an answer. You begin to plan for yourself.

The third beating may be too late. Several of the times that I have been abused I have been bewildered that I remained alive. Imagine that I have been thrown to a very hard slate floor several times, kicked in the abdomen, the head, and the chest and still remained alive.

What determines who is lucky and who isn't? I could have been dead a long time ago had I been hit the wrong way. My baby would have been dead, aborted, or deformed had I been kicked the wrong way. What has saved me?

I don't know. I know that it has happened and that each night I dread what may be the final strike which will kill me and leave my children motherless.

I believe that is why I am telling someone all that I have to relate. There is more, much more, and I have tried to keep it short but I know your program will be a strong and a much needed contribution to the community.

In conclusion, I sincerely hope that the emotion which I have revealed is not a detriment to your purpose. I have tried several times to hand compose this letter but it wouldn't come properly. The writing was shaky. The typing is not very good either, although I am a good typist.

The truth is that I am emotional about what has happened to me because it is so much more real than I can ever describe.

I have tried to give you a little of both the physical and mental abuse which comes out of a man who has not the self-orientation to combat the presence of a woman in his life.

I would like to do more but that would take a book—and there is no market because there are no ears.

Thank you,
Jane Doe

Marta's Story

Before we examine the violence that this white middle class woman endured by herself, let us consider the soil of this violence.

The soil of this cruelty, maiming, and murder is the racism of the Great White Society. This country has systematically discriminated against, humiliated, and degraded certain of its people. These battered people, the poor and powerless, the ethnic minorities, the disenfranchised are the real abused children of the white patriarchy. I am not saying that suffering is limited to minorities. Rather, I am defining a pecking order of violence that the men in our society enact. These powerless men inflict violence on women and children, the only people who are even more powerless than themselves.

I felt the oppression of the white culture in my own life from the time I was 5. At school they denied my language and their denial of my language was a denial of myself. I was forced not to speak Spanish. I did not listen to my teachers' words; I tuned into their intentions. I could feel their prejudice as they insisted it was for my own good. The contrast between my honest, demonstrative, and loving extended family (three uncles, two aunts, my grandmother, and mother) and the cold, indifferent, stoic white teachers did not make sense. The two worlds I faced daily—the first of love and tender support, the second of immense deadness—could never be reconciled.

Every day as I left my grandmother's house with her blessing and kiss on my forehead and a funny little cloth bag filled with herbs around my neck to protect me from diseases, I felt the terror of the world as the door closed behind me. Eleven years later when my mother was murdered, I had already been labeled a "psychopathic incorrigible." Words are our way of expressing ourselves and giving form to our feelings; words had been ripped out of my throat and I was left without defenses. I reacted with disobedience, hostility, and finally, with violence.

My stepfather was barely 37 years old when he stabbed my mother to death. He was very kind and gentle when I first met him. He courted my mother for a long time, and she considered carefully before she married for the third and final time. He worked in a steel warehouse. He had incentive and ambition; he wanted to better himself for our sake. He promised my mother the world, and in his heart he really meant it.

The white world slowly and insidiously defeated my stepfather. He was degraded at the warehouse. Because he was the only Mexican, he was expected to stay after the regular shift and do all the cleanup. He tried to take on more responsibility, but they always promoted whites.

It troubled him that my mother had to work. Racism and despair affected him so deeply that within 2 years a man who had enjoyed a glass of wine with dinner was a full-blown alcoholic.

My mother worked in a factory packing coffee and was the shop steward for the union. She was intelligent, sensitive, and proud. She saved all the money she could in order to send me to good schools and buy me good clothes. She did not want me to be ashamed of being poor. For herself, I remember she had her Sunday outfit: a black coat with a silver fox collar, a simple black dress, a black hat with a veil, good shoes, and one pair of silk stockings. Before she married my stepfather, our family checked him out. They could not resist him; he was very good to her and me. He obviously loved her deeply.

After working all day packing heavy cases of coffee and fighting unfair conditions in the shop, my mother came home to find her husband drunk. It was more than she could understand. She needed someone to console her and to listen. He needed her to care and understand his suffering. Neither could give each other the support he/she needed. Society afforded them no real chance, no break in the violence, no peace in their lives.

When she was 39, he stabbed her in the heart. Then, in terror, he tried to hide the act by pushing her out the window; she landed two stories below. In 3 years of arguing he had slapped her twice. This time they were arguing about me. I was 16 years old at the time. She was desperate because his drinking was getting worse. He felt shattered because she had let me visit my real father for summer vacation. For the past 5 years, he felt like he had been my "real" father. He drank heavily that night to mask his feelings of betrayal.

In that last moment, in their last angry cries, he reached for a sharp bread knife. He informed her that if she did not quit putting him down, he would kill her. She, unafraid of the knife in his hands, yelled back, "Go ahead, kill me, kill me. What difference does it make anymore?" She cried, "Go ahead, kill me, you coward."

Although I was not there, I have seen a replay of those last moments of her life many times. In a way his life also ended then; in jail he went "a little crazy." For the first time in my life I see her death as an expression of the futility of their lives together. I understand this as the final act of a racist society that propelled two people to annihilate each other.

There were no La Casas during Seferina's lifetime. Jane Doe has lived to find out that she was not alone. Her pleas, "I have nowhere to go and no one else to turn to," launched the shelter. In her letter she has eloquently summarized the inadequacy of all existing social service agencies and made it clear that wife beating is not just a few slaps or love bites. To listen to her experiences is to find an answer to the

387

question, "Why do we need La Casa?" "I have nowhere to go and no one else to turn to."

The purpose of this paper is to discuss the need for short-term shelters for battered women and examine how one shelter operates. We have another purpose as well. At every stage of the road the battered woman meets with hostility and incredulity. She is silent because no one believes her. She grows dumb because no one hears her. She learns to be inarticulate. In this paper we hope to give voices back to some of these "inarticulate" women and share their stories with you.

We must recognize the reason our society is willing to address the issue of marital violence now—the problem affects *white women.* Drug abuse was not identified as a problem until it entered the living rooms and playgrounds of the white middle class. Racism, as the most deadly sickness in our society today, cannot be separated from the major American crime, marital violence. Every form of violence diminishes the human spirit and destroys human life.

In the following sections we will present a large amount of data about battered women. We want you to understand that there are women behind these case studies—women with green eyes and red hair, brown eyes and black hair, women who like to sing, dance, laugh, cry. Again and again we will tell you that the battered woman is no different from any other woman. She is unlucky. She is a victim, but she is not a victim 24 hours a day. While we study her, please remember that she's a person.

History

In the fall of 1974, Marta Segovia Ashley gathered together six other women who were interested in working on the ideal of a shelter. Initially the group thought that wife beating happened only in the ghettos; they were soon to find out that this problem cut across all racial and socioeconomic lines. In the many months that followed, these women developed the ideals of La Casa by drawing from the violence in their own lives to develop a sensitive way of responding to other battered women.

The name "La Casa De Las Madres" was chosen by the four Latinas and simply means Mothers' House. Any woman, we decided, who has been beaten needs a mother's house to go to where she can find safety and grow strong again. We wanted this perfect mother who would say to you, "Come home, my house and everything in it is at your disposal. What do you need? What do you want to do with your life? *You* tell me how I can assist you." This mother would not make you feel guilty, would not accuse you of wanting to be beaten, and would support you in any decision you made for yourself and your children, including that of returning to your mate.

As we did not want the social worker-white missionary establishment to run La Casa, we wrote into the original proposal that the residents would (hopefully by the end of the first year) become the staff at La Casa and that we "would work ourselves out of jobs." We planned to be consultants to La Casa for as long as we were needed and that eventually even that would no longer be necessary.

We felt that if we truly wanted the residents to be engaged in their own liberation then we could not serve as their role models. They must be their own examples in their struggle to be free and for those that came after them.

We also believed and supported their rights to be more fully human and that demonstrated even more clearly to us their rights to inherit and run La Casa.

Another important ideal was, "We cannot help people; we can only love them." This spiritual philosophy came from the life of Vimala Thakar whom Marta studied with in India. This meant that any approach from us to the resident must be done as a total act of love without even the expectation of gratitude, that they would or should embrace our ideals or way of living. In fact, we very carefully considered whether or not to use the word feminist in our proposal, for although we defined ourselves as such, we did not want to impose our feminism as a condition of acceptance. Their cultural, political, and social ways of being must be honored; and we had no right to impose any overt or subtle pressures on them to be like us.

What followed is our experience of "oneness" with each other. In sharing the violence in our lives, we began to see that we were equally oppressed. There would be no separation between staff and resident. And, although some of us had suffered more violence and degradation than others, it was not because we were less human, less lovable, or more deserving of it (just because the racist society in which we live had discriminated against us because of our skin color, language, race, etc.).

It is only a matter of luck that separates one who is beaten from one who is not. The same is true of rape. As at one time we believed that women were raped because they secretly wanted to be raped or because they provoked this urge in men by the way they dressed or looked, likewise with marital violence women do not secretly desire to be beaten nor do they deserve to be beaten.

The coalition began appearing in public, addressing groups on the subject of battering, and the response was overwhelming. Women from all walks of life, from all races, and all classes and circumstances told stories of domestic terror, beatings, and degradation.

In late 1975 San Francisco Women's Centers, a group that facilitates and supports development of women's projects, adopted the La Casa Coalition as a sponsored project. This enabled La Casa Coalition to use Women's Centers' tax exemption and benefit from the community-organizing expertise of the staff. At that time many more women (mostly white) became involved in the project: women whose mothers had been beaten, who had themselves been beaten, who had lived in families with child abuse. Women who had experienced many aspects of domestic violence in this culture now joined together for a common purpose: to provide emergency services for battered women and their children with a dedication and commitment to live by the goals heretofore presented.

In December 1975 a coalition member offered her house to rent as the La Casa shelter. It was perfect in many respects: located on a little-used, dead-end street, it was steps away from public transportation, from a park and playground, and from a hospital. It was in an accessible part of town with excellent transportation nearby. The house itself accommodated the need: a four-story Victorian with numerous kitchens and bathrooms, space for offices and 30 women and children.

The coalition moved into the building on January 15, 1976, paying half the month's rent, $350, out of their own pockets.

We were sure of the response; we knew that as soon as word got out of the availability of emergency shelter, we would be flooded with requests.

On January 16, 1976, our first resident family moved in. She was a Mexican women with three teenage sons. She spoke only Spanish, but could neither read nor write her native tongue. She had lived with a man who was violent to her for 18 years. The night before her husband had beaten her and, when she refused to sleep with him, had locked her out of the house. Her sons had helped her into their bedroom through the window, and her husband had come in and in front of them had overturned a bed on her. He had gone too far in frightening her children. She decided that evening that somehow she would leave him the next day. Her relationship with her two younger sons (aged 13 and 14) was a beautiful relationship based on mutual love and tenderness towards each other. Her 16-year-old had already begun to act out the role model his father had provided for him. He was cruel to both his brothers and his mother. She became aware of her older son's attitude and reconciled herself with the fact that at least her two younger children would not be like their father. She had many mixed emotions about her husband, but not once did she ever consider returning to him. She said one day after crying and feeling sad about her husband, "But he will never change; there's no reason for him to change."

After 2 months she and her three sons moved to a new flat, and she had found a job where she could provide for her sons. She divorced her husband and now looked forward to a new life with someone else, someone who would not beat her.

The media attention on La Casa was overwhelming. Newspaper articles came out in the two major dailies. Both newspapers did full page coverage. Several women from the coalition whose mothers had been beaten appeared on all the television stations telling their stories and asking for help for La Casa. Money trickled in enabling the coalition to continue to pay for food and rent. Several foundations accepted our proposals, and this enabled La Casa to officially open. The foundations included: Vanguard Foundation, $5,500; Coleman Children and Youth Services, $6,000; and finally, $51,000 from the San Francisco Foundation.

The need was apparent. More women than we could take asked to come to the shelter. The phone rang constantly, from agencies with battered women who had no place to go and from women desperate for a place of safety.

We knew the money we had received would not last out the year, but at least we were open; and being open, we were determined to raise the money to stay open.

Why Does a Battered Women Stay?

Why does a woman remain with a violent man who has beaten her and will beat her again? As we listen to the voices on the other end of the telephone during a crisis call and talk with women who have left, we realize there are as many reasons for staying as there are crisis calls.

Economic necessity. Nowhere to go. Fear. Dependency. Children. These are the reasons women stay, but the words by themselves do not adequately convey the sense of immobility, powerlessness, and paralysis a woman experiences. The majority of women who come to La Casa have been hit not once but several times. These are women who have stayed with their husbands through 10 or 15 years of beatings, degradation, and constant fear. Some have thought of escape a thousand times.

They stay because:

"I've got three kids now. They need a father, a father image. . .If I leave him, I'll never find another man. . .What will happen to my children growing up in a fatherless home?"

"I've got kids and I hear that welfare doesn't pay much. . .barely enough to live on. . .I want the best for my kids; what will happen to us trying to live on such little money?"

"My husband's told me for a long time that I'm stupid and lazy. I tried not to believe him but sometimes I get this scary feeling he's right."

"I have never done anything on my own. What if I cannot make it on my own?. . .If I leave him and things go wrong, will I be able to take care of myself?"

A woman is conditioned to believe that she is not complete unless she has a man. Once she has a man, she has to keep him. It is her responsibility to hold the marriage together. When difficulties arise, she blames herself. The attitude, "You made your bed, now you lie in it," becomes logically extended to, "Accept what you get," which gets twisted to become, "You are responsible for what you get"—in this case, beatings.

Women who have grown up in violent homes are more likely than other women to accept beatings as part of marriage; female victims of child abuse often become battered wives. In this cycle, violent home begets violent home until some kind of emergency intervention breaks the pattern.

The husband who beats his wife may desperately fear that she will leave him. By isolating her from friends and relatives, treating her like a child, and making her feel extremely dependent, he ensures that she will stay.

The issue of a woman's psychological and economic dependence on a man goes to the core of our societal indoctrination about a woman's inferiority. Not all women who call or come to La Casa have been totally dependent or isolated. In fact, a segment of La Casa residents are and have been working women. That the woman who does have some degree of financial independence remains with a battering husband shows the extent to which she has been conditioned that she is a second-class citizen.

It is not uncommon for a woman to come home on Friday night and hand her entire paycheck over to her husband. If she is the only one working in their family, he may assert his "manhood" by keeping the money and doling out an allowance to her. She may be in constant jeopardy at her job. Her black eyes, swollen face, and bruised limbs are visible to all the people she works with. She can invent excuses to stay at home from work, or she can apologize for her appearance at work—"I'm so silly, I fell downstairs. . .I bumped into the wall. . .I slammed the door on myself."

The working woman may stay with her man because she can't make it alone or because he needs her or because she'll never find another man. In other words, she stays because she has little confidence and self-esteem. She does not believe she deserves a better life and a better relationship. She thinks it is her duty to be nurturing and subservient to her husaband.

The emotional link to the batterer is one of the strongest reasons a woman stays. Once real love is gone, the only emotion left is pity, and it can be a stronger bond than love. She pities her husband because he has lost control of his life. She realizes that if she leaves him, he may fall apart completely. Because she regards his emotional needs more seriously than her physical safety, she stays in a life-threatening situation. Third world women who experience how white society oppresses their men are especially likely to act out of pity, disregarding the danger as they try to protect their mates.

Thus, we see the subtle, psychological effects of a society that trains women to be sweet, passive, and self-sacrificing. For women's oppression to end, social change must encompass both the economic and cultural spheres. Women must have access to decent jobs and child care, the opportunity to grow up thinking that they will work. From birth women deserve to be treated as independent, capable people rather than as incomplete and inferior beings.

There are many factors that keep women in violent homes. Every time we receive a woman at La Casa we recognize the courage that it took for her to leave. For us, the facile accusation "Why did she stay?" is not a relevant question. The issue is not why she stayed, but how we can help her leave and, once she has left, what does she need?

The La Casa Program

The four major components of the La Casa program are: (1) the crisis line, (2) the program for residents, (3) the community group, and (4) outreach and education. In the following section of the paper we will briefly describe the implementation and objectives of each component.

Crisis Line

La Casa currently receives approximately 220 calls a month. Our crisis line is in operation 24 hours a day. Since domestic violence often erupts in the evening or on weekends, round-the-clock availability is necessary. Volunteers and paid staff handle the phones. During each call, a crisis sheet outlining the particulars of the woman's situation is filled out.

When a woman calls and wants to come to La Casa for shelter, the staff employs several criteria. First, is she in immediate danger? Second, what are her other options? Does she have money to pay for a hotel? Is it safe for her to go to family or friends? Third, do children limit her mobility? Because the demand for shelter exceeds our capacity, we have to make distinctions and accept only those women in the greatest need. We give priority to women who have no other options, those who have no money, those with children, those who do not speak much English. La Casa cannot accept severely disturbed women or women with alcohol or drug problems because we are not equipped to deal with their special needs. In addition, the presence of several children and the chaotic and noisy atmosphere at the house are not usually helpful for women with serious problems.

Before a woman is accepted, three staff members must give their consensus. The purpose of consensus is to provide an opportunity for more than one viewpoint and perspective. It reduces the isolation and responsibility of people's making decisions alone and enables three women to share responsibility for their decision.

Residence Programs

When the consensus has been reached to admit a new family, we arrange to meet the woman at a designated public location and bring her to the house. The location of our shelter is kept secret in order to protect the women and children who are staying there. Enraged husbands have gone to great lengths to track down their families. On two occasions husbands have set up women to call and pretend that they are battered in order to find out our location.

A volunteer or staff member welcomes the woman to the house, explains the rules and procedures, and fills out several intake forms. These forms give the staff relevant information about the residents and provide statistical data about the families that La Casa serves.

The accommodations are not luxurious; the house is crowded and noisy. Women and children sleep in bunk beds, several to a room. Chore charts are filled out at a weekly meeting. Women take responsibility for cooking dinners, cleaning the kitchens, halls, bathrooms, and dining rooms, for making their children's lunches. A staff member buys the food in accord with what the women want to cook.

House rules forbid violence between women, between mothers and children, and among children. Women are entitled to three overnights during their stay at La Casa. Drugs and alcohol are not permitted on the premises.

Occasionally, we have a resident with an ongoing drug or alcohol problem. In these cases we try to find an appropriate referral. Currently, there are no treatment programs in the Bay area that accommodate alcoholic or drug-addicted women and their children. Consequently, women with these problems are faced with the prospect of giving up their children or going untreated. We confront this lack of adequate services frequently.

La Casa offers services for both the women and their children. Certain staff members, designated as women's advocates and children's advocates, work specifically with the women and children to ensure their needs are being met. In the following section we will briefly describe the children's program, the women's advocates program, and other services.

The Children's Program: Initially, children were viewed as appendages of their mothers. We soon learned that they were more than accessories to the women who came to La Casa; they deserved an equal share of attention, energy, and concern. By the second staff hiring in 1976 almost one-third of the staff were children's advocates. The children's program is particularly crucial, since at any one time as many as two-thirds of the resident population are under 14.

The children's advocates offer a supportive and creative child-care program every weekday. Three mornings a week mothers meet with the child-care staff to discuss special needs and issues. The children's staff works with both the mother and her children to try to provide support for their relationship. Assertiveness training is integrated into contact with the mothers and their children. Child-care workers are alert for signs of child abuse and offer counseling or referral when appropriate.

The children's advocate also serves as a liaison with community agencies. She may make contact with the schools, help mothers find child care or temporary foster care, and put women in touch with single-parents resource centers or support groups. In addition, she may link mothers up with a men's collective that offers child care and "Big Brother" relationships.

The Women's Advocates Program : Each woman who comes to stay at La Casa is assigned two women's advocates as contact people. They meet with her regularly to ascertain her needs, provide support, refer her to community services, and accompany her to the welfare department, to court, to the doctor, on househunting expeditions.

Individual therapy is not provided because we feel that implies that the woman is disturbed and we must delve into her intrapsychic history to understand her predicament. Therapy also promotes a "power-over" relationship in which a passive, dependent woman looks to an "expert" to solve her problems. Problem-solving techniques, referrals, and advocacy are more appropriate services for battered women. La Casa is an instrument to help women become strong and form their own identity, rather than continue to accept one that is subordinate and inferior.

Women are also encouraged to seek support from other residents at the house. Contact with other women who have had similar experiences reduces the feelings of isolation and guilt.

Other Programs: La Casa offers a weekly assertiveness training group and a support group. These groups create an opportunity for her to enhance her self-esteem and enable her to grow more independent.

La Casa's legal services include an attorney on contract to us, a half-time, work-study student, and many volunteer law students. They check in daily to do followup on the crisis calls that require legal assistance and provide more extensive legal counseling for the residents.

The Community Group

The third component of the La Casa program consists of a weekly group that meets at a neighborhood health center. This support group serves women who call our crisis line, but continue to live in violent homes. It also includes women who have recently left violent situations and want support. The group is co-led by a La Casa staff member who was a battered wife and a Spanish-speaking staff member. Child care is provided; the group is free. Attendance fluctuates, but we feel this group offers essential support for battered women in violent homes. It reduces their isolation and provides an opportunity for them to examine their alternatives realistically.

Outreach and Community Education

La Casa staff and volunteers have always considered outreach as an integral part of our work. We must combat the pervasive myths that keep women from reporting abuse. Our program concentrates on community outreach and speaking engagements. We have two staff members who work in the black and Latino communities. We also give presentations, provide statistical information, and disseminate written material to various groups—doctors, lawyers, hospital staffs, social workers, women's groups, schools, civic organizations.

La Casa Staff

We have undergone many changes since we began as an all-volunteer staff. The following principles and commitments evolved as we worked together to develop a responsive, effective, and sensitive staff.

Affirmative Action: When La Casa made the transition to a paid staff in early 1976, most of our workers were white. We made a commitment to hire only nonwhite women in subsequent hirings until the staff could be 60 percent nonwhite.

There were many reasons for our commitment to this policy. First, we knew that many of our residents would be nonwhite, since we take in only those women with the most limited options. It is important that the staff share similar cultural experiences. Secondly, we did not want

December 1977

Business: 415/626-7859
Crisis: 415/626-9343

La Casa De Las Madres
P.O. Box 15147
San Francisco, CA 94115

Statistics on La Casa Residents
June 1976 To September 1977

Following is a compilation of statistics about La Casa residents who stayed at La Casa during the period from June 1976 through September 1977. These statistics are divided into two groups: June '76–February '77, and March '77–September '77; the statistics were more completely obtained during the second period, so we decided to report them separately. These statistics may only be used with permission of La Casa; please send any written material which uses these statistics to us. Permission to use these statistics may be obtained by writing the Public Information Coordinator, at the above address.

One hundred thirty-nine women were residents at La Casa during the first period (6/76–2/77), and 146 women resided at La Casa during 3/77–9/77.

	6/76–2/77 (N=139)	**3/77–9/77** (N=146)
1. **Age of woman**	—	99% reporting
Under 20 years of age		8%
21–25 years		31%
26–30 years		31%
31–40 years		22%
over 40 years		7%
2. **Race of woman**	94% reporting	99% reporting
White	52%	39%
Black	23%	17%
Latina/Chicana	15%	33%; (19% spoke Spanish as primary language)
Native American	4%	5%
Asian	—	3%
Other/unspecified	2%	2%
3. **Marital status of woman**	72% reporting	96% reporting
Married	51%	53%
Single	17%	20%
Separated	13%	12%
Cohabiting	11%	12%
Divorced	8%	4%
4. **Race of woman's partner**	79% reporting	95% reporting
White	35%	32%
Black	41%	34%
Latino/Chicano	17%	28%
Asian	4%	3%
Native American	1%	1%
Other/unspecified	2%	2%

5. Woman's financial situation		99% reporting
Welfare	24%	53%
Employed		17%
No money		4%
Other		26%
	6/76–2/77	**3/77–9/77**
6. Woman's education	67% reporting	95% reporting
8 years or less	4%	8%
8–12 years	56%	58%
12 years or more	8%	33%
7. Man's education	56% reporting	82% reporting
8 years or less	8%	15%
8–12 years	64%	51%
more than 12 years	9%	33%
8. Woman's occupation	—	88% reporting
Unemployed		76%
Unskilled		8%
Skilled		8%
Professional		6%
Student		0
Other		3%
9. Man's occupation		88% reporting
Unemployed		30%
Unskilled		49%
Skilled		15%
Professional		5%
Pimp		2%
Student		1%
10. Violence in woman's parents' home	72% reporting	90% reporting
Yes	42%	39%
No	58%	61%
11. Violence in man's parents' home	49% reporting	72% reporting
Yes	52%	58%
No	41%	42%
12. Drug/alcohol use by man	52% reporting	90% reporting
Alcohol use	43%	43%
Drug use	35%	
Heroin/methadone		2%
Marijuana		5%
Sedatives		0
Amphetamines		0
More than one		27%

13. Drug/alcohol use by women	—	88% reporting
Alcohol		15%
Sedatives		2%
Marijuana		10%
Amphetamines		0
Heroin/Methadone		0
More than one		7%
14. Abuse of children	50% reporting	92% reporting
Yes	41%	41%
No	59%	50%
Not applicable		9%
15. Number of children of women	95% reporting	100% reporting
None	26%	11%
One child	29%	35%
Two	23%	31%
Three	11%	10%
Four	8%	5%
Five	3%	3%
Six or more	1%	3%
Not in residence		3%
16. Ages of children	92% reporting	99% reporting
0–2 years	29%	25%
3–12 years	62%	61%
over 12 years	9%	9%
Not applicable		4%
17. Previous calls for assistance by woman	100% reporting	99% reporting
Police	27%	30%
Clergy	7%	6%
Counselor/therapist	9%	9%
Doctor/hospital	9%	9%
Welfare/social services	11%	14%
Friends-relatives	30%	25%
No previous calls	4%	6%
Other	3%	0
18. Previous use of institutions by woman	—	92% reporting
Hospital		23%
Emergency shelter		24%
Jail/prison		15%
Mental Institution		10%
None		28%
19. Source of referral to La Casa	68% reporting	94% reporting
Advertising	26%	27%
Friends-relatives	15%	17%
Welfare/community social svc agency		12%
Mental health agency	15%	2%
Doctor/hospital	11%	3%
Police	4%	12%
CES (welfare, probation, Juv. Hall)	7%	5%
Other/unspecified	15%	9%

20. Length of stay at La Casa	81% reporting	99% reporting
0–7 days	47%	25%
8–14 days	14%	22%
15–21 days	10%	14%
22 days–1 month	16%	15%
over 1 month	13%	23%
21. Where women went after leaving La Casa	75% reporting	85% reporting
To own living space	54%	49%
Back to partner	25%	23%
Other/unspecified	21%	25%

to have token nonwhite staff members because this is an untenable position for such a woman to be in. We wanted to break the domination of the white middle class cultural mode of operating. Thirdly, we wanted to deliberately reverse the culture's racism in terms of economic opportunities rather than perpetuate it. We did not want to become one more agency that throws up its hands and says, "Oh, but we could not find any qualified applicants."

Our struggles around affirmative action have not been easy. It has been hard for those who are white consciously to limit our jobs; it has been hard for those of us who are not white to be in a token position. We have struggled to understand our class and cultural differences. We have learned to respect our differences and become sensitive to the needs that evolve from those differences. We are still struggling, but the process enriches ourselves and strengthens our program.

Heterogeneity: Our commitment to a diverse staff does not only apply to multicultural representation. We also believe in the value of having many kinds of women on the staff. Older women who have dealt with children, gone through crises, and acquired wisdom through living can understand the experiences of our residents in a unique and valuable way. In addition, our staff has always been integrated by the presence of lesbians, who formed a core of early organizers. We also see the value in hiring mothers. Mothers are often handicapped in the job market, but they offer our programs a vital and sensitive perspective.

Nonprofessionalism: Neither social service nor mental health credentials are criteria for hiring workers. Professional degrees do not guarantee sensitivity. The record of professionals in dealing with women in general and battered women in particular has been poor.

It is important to us not to see the battered women who call or come to La Casa as "them" and the La Casa staff as "us." We are all victims of the oppression of this culture; we believe in the equality of staff and residents. Professional training is not generally conducive to this viewpoint. Rather, personal experience with domestic violence, support for our feminist principles, and a commitment to working with a diverse staff are criteria we look for in hiring.

Nonhierarchical: We believe that all jobs—child care, assertiveness training, legal assistance, fundraising, phone work, house maintenance, outreach—have equal value. Everyone receives the same rate for pay; no one job deserves more power than other jobs. All jobs are essential for the operation of the house.

All-Women Staff: La Casa maintains an all-women staff for several reasons. The fact that we are all women—plumbers, electricians, childcare workers, organizers, speakers, architects, lawyers—affirms that women can be strong and independent. Many residents have never seen women working together accomplishing goals, being effective, and supporting one another. The presence of men on the staff would alter the dynamics and support situation. At this time in a woman's life, she often prefers not to be in the company of men.

One of the ways La Casa could effectively monitor the criminal justice system was to serve as the battered women's advocate and follow her through the process of trying to obtain justice. The battered woman is humiliated at every stage of the legal proceedings—when she calls the police; when she meets with the domestic relations bureau official, the police inspector, and the district attorney; if and when she takes her husband to court. At all times the blame and burden rest on her. It is she, not the man who beat her, who has the problem. If any or all of the officials who interview her believe she provoked her husband, they treat her as if she does not deserve to be defended. It is not an exaggeration to say that a woman's beating does not stop with her husband. She is beaten again by the lack of sympathy and outright hostility displayed by the police and the courts.

By detailing the specific of one case, we will present an overview of the legal situation. Throughout the proceedings the La Casa advocate (Ashley) took notes to document how the legal system subtly and overtly discriminates against the battered woman.

Mary O. was about 30. She had been living with John for about 3 years. This was not the first time John beat her, but it was one of the most severe beatings. She called the police in the evening immediately following the attack, and she called La Casa the next morning.

The policeman who came to Mary's house after the beating did not indicate in his report or to Mary that John had committed a felony. He did not inform Mary that she had the right to make a citizen's arrest.

Mary went to the hospital because she feared that her badly swollen face masked further internal damages. The hospital report revealed a fractured nose and a possible concussion.

Although La Casa was not officially open yet, we brought Mary to the house because she needed a safe place to stay. John had keys to her apartment. Since she was living with him rather married to him, she was not eligible for a temporary restraining order.

Mary was interviewed three times before she appeared in court. The first interview was with the domestic relations bureau of the San Francisco Police Department. The purpose of the interview was to determine if a crime had been commited. The domestic relations bureau official focused on Mary and her mistakes. Why did she wait to call the police? Where were her witnesses? Why hadn't she reported all the previous beatings? Why did she arouse her husband's aggression? Throughout the interview Mary was put on the defensive. Finally, she was informed that a police inspector would call her.

402

When the police inspector called to set up an appointment, Mary put down the phone and began to cry. "It's the same old runaround," she told Ashley. "They are not going to do anything." It turned out that Mary was speaking with the same inspector she had talked to a year earlier when her boyfriend had broken her cheekbones. The inspector had told her then that she had no case because she did not have witnesses. Ashley took the phone and firmly informed the inspector that they wanted an appointment in order for Mary to make a complaint against the man who beat her.

At the second appointment the interviewer again emphasized Mary's problems. On more than one occasion the inspector felt compelled to ask, "You love him, don't you?" Ashley finally commented, "It does not matter whether she loves him. This man has committed a crime against her and she is here to file a complaint." As Mary's confusion increased, she started to cry.

This inspector is considered a "nice" inspector. He believes that a woman somehow forces a man to beat her up. He regards the women's reluctance to discuss the beating as further evidence that it is her fault. He fails to comprehend that his attitude makes it more difficult for a woman to report a beating.

After the second interview, Mary was assigned a deputy district attorney who met with her alone. He believed a harsh interview would reveal whether a woman would be a good witness. If the women still loved her husband, she probably would not be "good court material." His concern for a "good case" exceeded his concern for a human being who had been beaten severely.

The deputy district attorney decided on a charge of simple battery. Ashley pointed out that the medical evidence pointed to a charge of aggravated assault or wife beating. The deputy district attorney explained, "Recently a man knifed his wife nine times. By the time she arrived at the hospital she was almost dead. Now *that man* was charged with wife beating." Ashley argued that keeping the charges light gave the batterer the feeling he could get away with wife beating and, in effect, gave him permission to continue. The deputy district attorney stuck to his guns and the charges remained simple battery.

John pled guilty and received a 6-month suspended sentence for battery and a year's probation. The law says to bring a charge of wife beating there must be "bodily injury that results in a traumatic condition." Part of the nose bone had splintered off into Mary's cheek and she was nearly blinded before the doctor performed an emergency operation. Certainly this operation was evidence of a traumatic condition. Trauma can be broken bones. Trauma can be blood. Trauma can be a serious internal injury. Although there were many elements of trauma, the court needs to see nine knife wounds before it recognizes that trauma occurred and charges the husband with wife beating.

John never bothered Mary again. However, there is no guarantee that he wouldn't bother another woman. He was in jail for a few days. The court never seriously addressed his problem. The judge never suggested that he seek help. Although the psychiatric establishment studies a woman's victimization, they are not so concerned about the man's aggressiveness. The question is always worded, "Why did she stay?" rather than "Why did he beat her?" When a man socks his wife on the jaw, we say, "Oh, well, he overreacted. She'll be all right." These attitudes—the court's leniency and disinterest, our acceptance, the policeman's reluctance to make an arrest or even go out on a domestic disturbance call—give tacit approval to wife beating and reinforce the battered woman's isolation.

La Casa's experience acting as Mary's advocate showed us the extent of the discrimination against battered women. We saw that we needed to learn the rights of the battered women and then make others aware of those rights. We assembled all the information we had gathered. We wrote factsheets and began to prepare a legal handbook so that all women will know their legal rights.

We also set up meetings that included the district attorney's office, the chief of police, and two women police commissioners. Although the chief of police and the district attorney were responsive to the needs of battered women and the meetings were successful, the police officers themselves still need massive "consciousness raising." It is not enough to change the attitudes of the people at the top when the majority of policemen who are supposed to offer protection for the victim do not understand the problem.

When La Casa did a spot check on two new classes of male and female police officers, their ignorance about marital violence was appalling. Comments included, "Well, she's gotta be crazy to put up with that kind of treatment, but then there are women like that who really dig getting beaten," or "It's no big thing; I have neighbors who beat up on each other all the time," or "You have to look at both sides; she probably provokes her old man."

Since the police are the only 24-hour social agency we have, it is imperative that they wake up to what domestic violence really is. Unfortunately, the police training manual provides a handy index to all the pervasive myths about marital violence. Two psychologists wrote the manual as a tool to teach policeman how to mediate a domestic dispute. Rather than prepare officers for the fact that they are entering a highly charged situation, it describes a credit card dispute. By reducing the marital violence to an intellectual argument or a family fight, it intensifies the threat to the woman.

In its stress on objectivity, this manual ignores the women's distress. Although she may be in danger of losing her life, the officer is warned to "avoid implicitly passing judgment by questioning one of the parties as if he was a suspect and being supportive and friendly to the other party." The officer is told, "*Often during this stage one of the fighters (usually the wife) will demand that the officer take some immediate action ('get this bum out of here now'); it is his job to state clearly that he needs to find out what has happened. Beware of saying anything at this point which will give the wife the indication that after she tells the story, then the 'bum' will get thrown out.*" It is a cruel joke that, at a time when women are at an obvious disadvantage, the manual insists on complete equality—both women and men are consistently referred to as "combatants" or "fighters."

The manual reflects our culture's belief in the sanctity of the family and the necessity of preserving it. It tells officers that if they can, they should get the couple to agree on one thing and then, "just get out of there." In effect, it says to abandon the woman. It also instructs the officer to encourage the couple to make peace. Thus, many policemen feel like they should not leave until the fighters are ready to kiss and make up.

The police manual echoes the popular attitude that wife beating is not a real crime. Marriage laws and folk traditions both imply that a woman is a man's property. The police, who are instinctively allied with the man, do not want to interfere in another male's private business. They fail to comprehend that the woman who is a victim of marital violence needs their protection as badly as someone who has been mugged by a stranger.

It is easier for the police to fault the woman for provoking wife abuse than it is to arrest the batterer. The question of the woman's "provoking the man" is particularly insidious. Certainly, women who cannot match men in physical prowess become adept with words. However, words do not blind, maim, batter, and kill. The question of provocation distracts us from the real violence. It is easier for the police officer to say, "Why should I arrest him? She'll drop charges. In a few hours she'll want him out," than it is for him to offer her protection if she presses charges.

Sometimes a woman does drop charges. The physical beating is not always the worst thing that happens to a battered wife; she has been made to feel powerless, worthless, and helpless. She may feel defeated before she begins to tackle the legal maze. Furthermore, she is often pressured to drop charges by her husband, her family, or her concern for their children. Just as she is judged harshly for being "*the kind of woman who would let herself be beaten,*" so she is condemned for being

405

" *the kind of woman who would send her husband, the father of her children, to prison.* "

As Jane Doe wrote to Marta Ashley, "I have everything I want but live without fear." Fear keeps a woman from calling the police because "if he finds out that I called the police, I might as well buy the flower I want for my funeral"; and it paralyzes her after she calls them and she wants him arrested. She may be afraid to press charges because the police have told her that if they arrest him, he'll be out of jail in a few hours. "By the time he is back he may be ready to kill you."

It is at this point that the shelter is invaluable. La Casa can provide a woman with shelter so that when her husband does get out of jail, she is safe. It provides her with emotional support and legal advocates who will guide her through the judicial maze. Away from life-threatening violence she has the opportunity to begin to regain control of her own life.

Other Voices

In this section several former residents, staff, and residents who have since become staff compare what happens at La Casa on a daily basis with the rhetoric of grant proposals. They discuss their feelings when they first came into the house, their relationships with women's advocates, and the insidiousness of racism. Unfortunately, La Casa is far from free of the racism that permeates American society.

When Susan first arrived at La Casa after talking to a staff member during her crisis call, she expected to find a warm collective environment. Instead, she found a house riddled with factions pulling against each other. When she first walked in, she was shocked by the filth. The woman at the top of the stairs hollered, "You ain't seen nothing yet—wait until you come up these stairs." The staff said "Don't worry about her. She just got here and she wants to leave."

For Susan the filth was exacerbated by the unsafe conditions. As she says, "When you bring your children into a home, you expect it to be decent. The children were running wild, doing everything. There were banana peels on the stairs and there were no gates to prevent the little babes from falling down. You want your children to be protected; that's one of the reasons you left in the first place."

Susan did not find out who her women's advocate was until her third week at La Casa. Then, it turned out that she already knew the woman and had chatted with her casually. She knew her advocates were there to help her, but she didn't know them. She spent a great deal of time by herself trying to figure out her current problems and her future needs. Her relationships with the staff were not particularly trusting or supportive.

Another staff member had decided that Susan was full of anger and hostility and that she needed to cry. The staff member kept after her. "Won't you cry, just cry it out. Just cry. Cry." Susan told the staff member that she'd cry when she was ready to. Finally she did cry for her and that staff member "wasn't there."

Another ex-resident, Nancy, substantiates Susan's feelings of distrust and loneliness. She found herself talking to the bookkeeper in the basement because she was sick of her women's advocates. "When I needed help, they were never there. When you call them at home, they're not home. When you have problems, you need to talk to someone. You can't wait."

Nancy continues, "They come in and they ask you how are you, what are you planning? Are you looking for a job, have you talked to your husband, how's your kids? Then, it's, Oh, well, I really can't talk right now. I see that you're busy. I'll just go on downstairs."

Nancy first noted the racism when the staff fixed the label "no good" on a friend of hers. Because this woman was Indian and had been involved with drugs and alcohol, the staff felt that they could not help her. They claimed that she was still involved with drugs and that they couldn't trust her. Her only support came from other residents.

Maria, one of the earliest bilingual staff members, almost quit La Casa because of the staff's racism and insensitivity. They needed to hire a temporary women's advocate while they looked for someone to fill the position permanently. The women's advocates decided to give these 20 hours a week to Connie, a young bilingual-bicultural woman. However, the rest of the staff rejected their decision and insisted that the issue be "taken to the residents"—let them decide whether they would prefer to have Connie or a woman named Beth. This invitation to participate in the decisionmaking was more a delay tactic than a real commitment to democracy.

The next day it was reported that the residents had chosen the non-Spanish-speaking woman unanimously. However, the vote was far from unanimous. At that time there were only two bilingual staff members working a combined total of 40 hours a week--hardly adequate staffing for a crisis shelter that operates 24 hours a day, 7 days a week. The staff member who "took the matter to the residents" did not speak any Spanish. The Spanish-speaking residents were asked to pick between two names that didn't mean anything to them. Their point of view was completely discounted.

La Casa acts racistly when it fails to provide adequate bilingual and third world staff. It continues this racism in a different form when it assumes that minority women's advocates will take care of minority women residents. Nancy reports that she was working with a woman from the South. The rest of the staff could not communicate with her.

407

"They were afraid to try because she had so much hatred in her. They told me that I could talk to her since we were both black. I told them that the same skin color does not make two people the same. Gail came from a very different background than me; while she was down in the South cleaning white women's kitchens, my mother was a school teacher.

"I understand her. I understand the prejudice she faces because I am also from the South. Just because we're black doesn't mean we have the same experience. I can talk to her because she's a battered woman regardless of her color."

Susan echoes Nancy's feeling that we must all care for each other. She experienced prejudice at La Casa both as a resident and as a staff member. "They treated me like I was a backwoods nigger. . . .Of the two black women who were there while I was there, they had them both dancing the jig. One was still fighting; they had lost the other one completely. And they tried to do the same to me by forcing me to be the advocate for the black women. That way they would not have to bother with us. I told them, 'Why don't you help her? She's a woman just like you'."

Although La Casa is dedicated to feminist principles and has had an active core of lesbian staff members, we have run into trouble when the house became a battleground for radical feminist politics; we must always remember we exist to serve the residents. In the name of providing women with the opportunity to see strong effective women, we have completely excluded men from any parts of the house. It is imperative that the staff does not influence battered women against men at this very vulnerable time in their lives. Unfortunately, the lesbian staff has acted insensitively on several occasions.

One staff member insisted on discussing her sexual relationships in great detail in front of two residents. They became so distressed that they both moved out of La Casa. When a woman who realized that a staff member and her lover had stayed together during the staff member's overnight, the resident became quite upset. A children's advocate, also gay, advised this resident to confront the staff member and discuss her feelings—totally oblivious to the fact that a woman who is in an emergency shelter because she has just been battered is unlikely to seek out another confrontation. In another incident, the staff consciously played on the residents' needs and feelings of gratitude. They strongly encouraged that the residents and their children march at a rally in favor of lesbian mothers. Although the residents feared the press coverage at the event, they felt that they must appear—after all, they were indebted to La Casa.

The idea of the original La Casa Coalition came as a result of our rejecting the social service bureaucracies created by men. We wanted to affirm a new and sensitive way of responding to other oppressed women. At La Casa everyone is supposed to be equal; in practice, certain people always seem to ascend a little higher and assume more power. So, instead of minority women being oppressed by men in the outside world, they are now oppressed by Anglo women at La Casa. Strangely enough, both use the same methods.

We have failed in not giving the battered woman and her children a safe place. Too often we have made her feel that we rescued her and that she is forever indebted to us. On too many occasions we have imbued her with the idea that she is not our equal, that she is less than us. Most important, we have failed to honor her social, political, and cultural ways of being and, thus, we have reenacted the oppression of the larger society.

What we need to do at La Casa now is to recommit ourselves to take action against the inequality, oppression, and powerlessness that women experience in the outside world and at La Casa. We need to review our overall goals and remember that the battered woman is no different from any of us. In our society all women are victimized and oppressed; it is a matter of luck who is beaten.

A group called ABLE (Asian, black, Latinas, etc.) task force, composed of third world staff and ex-residents who are now staff, has emerged from La Casa in the last several months, and they are presently developing training and inservice training proposals that will facilitate the smooth transition to have ex-residents run the house.

Additionally, ABLE is planning along with the department of labor a third world women's statewide conference on battered women and rape in May 1978. The ABLE task force is also being trained to do speaking engagements for groups and TV and to serve as consultants for La Casa.

The presence of ABLE at La Casa is the hope for the future of the permanency of La Casa, as well as being a role model for all shelters nationwide. For after all, the residents are the most likely heirs to La Casa. It is their house. They, and only they, know what role models are needed. They possess a special sensitivity to the needs of battered women and are able to communicate them.

The initial dream/goal of La Casa for the residents to become staff is in the process of becoming a reality.

This paper has shown that at every step of the way the victim of marital violence is degraded and then discounted. Even our own staff has not escaped our society's contempt for the victim. However, we have recognized our limitations and feel compelled not only to share them with you honestly, but to take action. The entire La Casa staff and volunteers will be meeting January 4 through 18 to reevaluate the program and make necessary changes.

409

Just as it is necessary for us to listen to the battered woman and treat her as our equal, so it is necessary for you to hear what she has to say. In the last year we have seen that statistics prove that marital violence is the largest crime in American today. We must not listen to the so-called experts to tell us what the needs of the battered woman are. **The Battered woman is your expert.**

At the end of her letter Jane Doe concluded, "I would like to do more but that would take a book--and there is no market because there are no ears."

Are you listening, America?????

*Response of Monica Erler**

Marta Segovia Ashley's description of La Casa de Las Madres brings back the feeling I had when I visited Women's Aid Shelter in Dublin last summer. So much of the life I saw in the Dublin shelter was familiar, similar in many ways to the life lived at Women's Adovcates House in St. Paul. I feel that same way about La Casa. It is amazing to me that in instance after instance women working in separate groups are making the same discoveries, but it is more than amazing: It is also strong evidence that we uncovered strength and wisdom within ourselves that has been overlaid by social custom, hidden from us for a long, long time.

Marta has given us an excellent description of the abused woman, her feelings, her needs, the community response, and the work of the shelter staff on behalf of the woman, all with sensitivity and clarity. I do not wish to repeat what she had already said so well. Instead, I will briefly describe ways in which Women's Advocates has worked with community organizations and agencies in order to secure for women the support services they need and the financial support Women's Advocates needs.

Women's Advocates began in 1971 when a consciousness raising group about to disband decided to undertake a work that would be supportive for other women. One member, an attorney, suggested setting up an information desk and telephone service in the Ramsey County Legal Assistance office because women involved in family law problems needed information, assistance, and advocacy with community agencies that attorneys did not provide. Two women, funded by VISTA, working in that office, soon discovered that a woman involved in family violence had no acceptable alternative to continuing in the relationship. Filing an assault complaint or petition for dissolution of her marriage while continuing to live in the family home placed her life in great jeopardy than before. She needed more than legal help, more than information and advocacy. She needed a safe shelter in order to have the time and opportunity required to make changes in her life.

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* Founder and staff member of Women's Advocates, a St. Paul, Minn. shelter for battered women and their children. A social activist, she was an early member of the Wounded Knee Legal Defense/Offense Committee. She received her B.A. from the University of Minnesota through the Plan for Continuing Education for Women.

At this point Women's Advocates incorporated as a Minnesota nonprofit corporation (April 1972) and began community outreach immediately, talking about the need they saw with the men and women of St. Paul, asking for financial support. A pledge and donation system was set up, and many of our strong supporters today are "friends of a friend" of one of the women in that first small group.

Our original shelter was the apartment of Susan, one of the VISTA workers. The information and crisis telephone was tended by volunteers during the day and by an answering service at night. From the beginning we had continuous telephone service and have maintained a telephone log.[1] After a few months the landlord evicted Susan. The phone service and the shelter were relocated in the home of the second VISTA worker, Sharon. Volunteers continued to answer the phone and sometimes housed women in their own homes, all the while searching for a house and the funds to purchase it.

In 1974, the Ramsey County Mental Health Board, aware of work of Women's Advocates and the need for funds, made a grant of $35,000. A woman member of that board, with several years experience as a social worker in the county mental health program, worked very hard to get that grant for us because she was impressed with the nontreatment approach of the advocates and the effect it had on women. In her own experience as a social worker she decided that depression was the appropriate response to the situation in which most women found themselves trapped. Moreover, the tools of the treatment system were authoritarian, fostering dependence. The new model seemed to her to be a way out for women. The county mental health board renews this grant each year, but renewal is not automatic. We have to prove our need over and over again.

Once Women's Advocates received that initial grant, private foundations began to support our work. Foundation funds provided the downpayment on our house and the major part of our operating and program funds for the first 2 years after we opened Women's House. This gave us time to explore the possibilities for government funding while providing services to women and children.

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[1] Attached is a copy of our telephone code and log sheet. We have found our record of phone service to be the single most reliable source we have for documentation of need in our community. Our funding sources respect the accuracy of our log statistics. We also use it to document harassment by men, and it is accepted as evidence when we file complaints.

Telephone Code

1. **Attorney**
   - A. Divorce Referral.
   - B. WA Law Clinic Referral
   - C. Other
   - D. Complaint
2. **Discrimination**
3. **Divorce & Separation**
   - A. General Information
   - B. Custody & Visitation
   - C. Child Support & Alimony
   - D. Property
   - E. Restraining
4. **Education**
5. **Emergency Assistance**
   - A. Cash
   - B. Clothing or Furniture
   - C. Food
   - D. Housing
6. **Employment/Career**
   - A. Counseling
   - B. Job Openings
7. **Health**
   - A. General Information
   - B. Doctor/Clinic Referral
   - C. Abortion
   - D. Doctor Complaint
   - E. Chemical Dependency
8. **Juveniles/Children**
   - A. Legal Rights
   - B. Child Care
   - C. Counseling Referral
   - D. Custody-Welfare or Intervention
   - E. Adoption
9. **Legal Information—Civil**
   - A. Bankruptcy
   - B. Conciliation Court
   - C. Credit
   - D. Taxes
   - E. Other
   - F. Consumer Rights
   - G. Gay Rights
10. **Legal Information—Criminal**
    - A. Assault—Citizen's Arrest
    - B. Corrections
    - C. Other
11. **Mental Health**
    - A. Counseling Referral
    - B. Emotional Support
    - C. Support Groups
    - D. Commitment
    - E. Legal Rights
12. **Moving and/or Storage**
13. **Name Change**
14. **Physical Abuse**
    - A. Battered Woman
    - B. Child Abuse
    - C. Request for Information on Battered Women
15. **Police**
    - A. Information
    - B. Complaint
    - C. Police Card
16. **Sexual Assault**
    - A. Rape
    - B. Incest
    - C. Counseling
    - D. Legal Process
17. **Tenant & Housing Problems**
    - A. Evictions
    - B. Complaints
    - C. Half-way Houses
    - D. Permanent Housing
    - E. Public Housing Information
18. **Transportation**
19. **Welfare**
    - A. General Information
    - B. Complaint or Problem
20. **Women's Advocates**
    - A. General Information
    - B. Speakers
    - C. Funding
    - D. Volunteers
    - E. Divorce Group
    - F. Media
    - G. Support Group
    - H. Packet
    - I. Legislation
    - J. Visitors
    - K. Administration
21. **Women's Organizations**
    - A. Shelter Information
22. **Followup**
23. **Harassment**
    - A. Obscene phone calls
24. **Resident Business**
    - A. Ex-resident business
25. **Self-defense**
26. **Staff Messages**

Date ______________________________ **Page** ______________

AFF/	Time/	Caller/	Reason for call	Referred . . . By	. . . . . To/

Remember to code all calls. Be complete, code all categories of each call. If there is no subcategory a, b or c, just use the category number. Check "Legal" column on log sheet for all calls involving legal information or referral. If the call is a followup, be sure to use the followup number (5d/22) in order to avoid duplication when compiling statistics.

At present we receive most of our funding from governmental sources. We work with the county welfare department a great deal and have had almost every kind of disagreement and misunderstanding imaginable arise between us, but we have worked many things through. For example: women living in our house used to wait for weeks for an intake interview at welfare, trying to exist with no funds for personal expenses. Now a social worker at welfare makes appointments for residents a day or two after they arrive.

The county has a vendor system that pays Women's Advocates $5.50 per day room and board per woman and $2 per day per child up to 30 days. This is an emergency housing measure paid from county welfare emergency funds. The vendor system makes it possible for a resident to save her entire AFDC check for her living expense when she leaves Women's Adovcates because none of her income is needed to provide food for the shelter.

We also receive purchase-of-service funds under Title XX, for which residents qualify as persons who suffer from "neglect, abuse and exploitation." We are considered providers of counseling and advocacy services. These kinds of funding entail paperwork, but we have been able to devise reporting methods that maintain confidentiality and are not in conflict with our program. Our concern for the safety of the resident made it necessary for us to work our procedures with the welfare department that do not reveal a woman's whereabouts to anyone. Searches for fathers in child support actions and request for welfare information from other States often mark the beginning of a new siege of harassment for a woman who has just escaped. Sympathetic workers in our welfare department found ways to alter some of the most damaging and dangerous procedures used by the department, but, as in everything else, we cannot rest. The job is never done. New people join the department and we have to explain again.

Like other shelters, when we open we considered children to be the mother's responsibility and we focused on helping her. To our knowledge, we were the first agency in the area to allow a mother to bring her children with her into a room and board situation. We soon learned that the children share the mother's fear, insecurity, and lack of self-esteem. Many of them have also suffered physical and sexual abuse. We made efforts to help children as we carried on our program with mothers and gradually decided that we needed child advocates. We now have two. Planning the children's program is their responsibility. They share working overnights with the other advocates, and we set aside special time in our schedules to be with children. Our house has been designated a day-care center, which makes us eligible for funding under the Minnesota Child Care Facilities Act. We are also a group family day-care home, which entitles us to food commodities through a U.S. Department of Agriculture program as soon as we are able to provide appropriate food storage and preparation areas and equipment.

The neighborhood school accepts children from our shelter, making special provisions for their safety and keeping in contact with mother and staff concerning the child's welfare and program at school.

We have never had funds enough to buy reliable office equipment, a motor vehicle, durable household furnishings, or linens. These needs are met by small gifts, donations, used articles, or we go without them. Securing money for capital investments is unbelievably difficult. After making the downpayment on our house, we owed $24,000. As a nonprofit corporation with no guaranteed income and not conforming to the conventional definition of family, we found that we were unable to qualify for any kind of home mortgage. We finally secured a conventional loan for $24,000, due in 2 years, interest rate about 12 percent. Our search for funds to pay off the mortgage began immediately. St. Paul HRA met with us and discovered they did not have a definition for emergency housing that would cover us. Eventually Urban League, Migrants in Action, and Women's Advocates, aided by the St. Paul Community Development Office, prepared a joint emergency housing proposal for community development block grant funds. Women's Advocates' share was $36,000. We received this money after several legal problems were solved and used it to pay off the mortgage and install a new heating system. Our house still needs substantial rehab work, and the city has included another grant for that in the current CDBG year.

Using what we have learned about CDBG regulations and the problems they present for groups such as ours, we joined with other women in requesting change in the regulations. We have been informed that the regulations which will be published in several weeks will specifically designate shelters for abused women and children as eligible to receive CDBG monies for rehab.

The Minnesota Legislature has provided the most recent addition to our funding system. In the last session it passed legislation that provided funds for four shelters for battered women and established a data collection system for the State concerning the extent of violence in families. This program is administered by the department of corrections and the department is guided in its decisions by the recommendations of a statewide task force.

Others who help us are police, paramedics, counselors and legal assistance staff members. When we opened in 1974, the police considered calls to our shelter in emergency situations to be "domestics." After a year of neglect and bad treatment, we met with the mayor and worked out a system tht is adequate. Individual police

413

officers react to us differently, but support for our work is growing in the department and we are now included in the police training program. A police sergeant in the city attorney's office assists women who wish to file assault complaints and a woman police officer helps us counsel both women and children who have been severely abused. At certain hours, police squads will meet us at the home of a resident, protecting her while she gathers the belongings she was forced to leave behind. Officers more and more bring women to our door for safe shelter, having learned that even when we are overcrowded and have a waiting list we cannot turn a woman away from our door. The best of the Grand Avenue foot patrolman was extended one block to include our house, and the district squad car patrols our alley frequently if alerted to the possibility that an angry man may be in the vicinity.

The paramedics have been one of our strongest supports. In medical emergencies they come immediately and assume responsibility for the care of the resident until the emergency has been resolved, many times completing treatment without removing the resident to a hospital.

Legal Assistance is overloaded and routinely delays appointments for divorce interviews for weeks and even months. However, we worked out an agreement with them. Now, if a woman who is in physical danger because of family violence calls, she is given an early appointment date. Legal Assistance is one of many groups now drafting legislation that will make changes in the Minnesota statutes governing assault. We hope that we will have some favorable change in the law when the current session ends in March.

Community Planning Organization is another dependable support. CPO financed and published a survey of the problem of family violence in St. Paul 2 years ago. They also planned and sponsored a day-long workshop for the public and interested persons when the report was released. CPO maintains a library on the subject of "battered woman." When possible they assist us in public education on the subject, and the excellent slide presentation that we have for community education was prepared by a woman on the CPO staff. Our stunning new brochure and our letterhead and notepaper were likewise designed by the staff at CPO.

Finally, we depend on the YWCA, volunteers, church, social, and professional groups for help with many parts of our program. They frequently provide recreational opportunities for both the women and children living at the shelter, a most important service.

The foregoing information is important because it demonstrates that Women's Advocates is not a treatment program, but an organization that helps a woman pull together what she needs from resources in the community. When she comes to our shelter we ask her, "What do you want and need?" Her response often is, "I can't remember when anyone ever asked me that before." A little later she begins to talk with us about the life she wants to live, and while she lives in the house we try to help her obtain the services she needs. When she is ready to leave, we encourage her to call us and to come back anytime for support from us and for group meetings scheduled three times a week. We think this orientation to the woman's self-defined need is crucial. We believe that once a woman has decided to leave a violent situation she needs the opportunity to make more decisions about her personal life. As she makes these basic decisions we offer her information and support. Gradually she begins to see herself differently; she feels sane, capable, worthwhile. She expects to be treated decently. She can no longer be battered.

Abused women need treatment programs. They, like other women, need fair income for their labor, decent housing at an affordable price, competent legal advice, dependable child care, and other assistance with childrearing. Government policy and funding should take these needs seriously.

A last thought. All that I have said describes a Band-Aid measure. That is what our work is. The violence goes on. With Marta Ashley we say, "Don't ask why she stayed; ask why he beat her." *Why* requires attention.

Support Services: Long-Term Needs for Battered Women—Underpinnings to Decay or Foundations for New Structures?

By Lisa A. Richette*

I. Introductory Considerations

This paper represents not merely a response to a formal invitation to participate in a historic conference of the highest magnitude of importance but also, at a deeper level, an orchestrated synthesis of 37 years of perceptions, feelings, readings, and both interior and exterior dialogues on the painful and poignant theme of women's subjection and control by cultural, interpersonal, and her own intrapsychic mechanisms. In a sense this paper began when as a young girl of 12 I experienced the first overt act of paternal rage culminating in physical blows because I refused to accept the traditional limitations placed upon an Italian daughter in a middle-class household dedicated to the principle of male superiority. But its more precise genesis dates from my role as a law student at Yale Law School in the early fifties when, in order both to support myself and to find suitable housing accommodations, I worked for 3 years as a cottage parent at an institution for children labeled "emotionally disturbed" and lived continuously with a group of five girls and eight boys between the ages of 6 and 11. My experiences in daily living with them provided a unique counterpoint to the severe sense of isolation I experienced as a female law student in the then totally male environment of Yale; they also created a unique matrix of formulating a theoretical approach to the common plight that we both shared—undervaluation and trivialization of our human needs—which in the years ahead came to be subsumed under the concept of "personhood rights." The realization of this quest has led me to continuous and active involvement in the movement to humanize juvenile justice; to the writing of *The Throwaway Children* ; to work to prevent child abuse; to efforts on behalf of defective delinquents, severely learning-disabled children, and of the elderly.

I cite this work for two reasons: first, because I want to establish at the outset that my perspective as a feminist derives from a broad humanistic stance; and second, because in large measure I wish to establish as one of the primary themes of this paper the essentiality of the concept of personhood for women if their physical mutilation and abuse are to be curbed, if not eliminated totally, by the application of a new series of public policy measures. Reforms for battered women will be temporary, cosmetic maneuvers unless they involve the articulation and implementation of full personhood rights for all women at every level of development; and these measures in turn imply a democratic society whose definition transcends freedom of action and expression for the most powerful (and in the American past these freedoms have been most fully exploited by dominant and ruthless men) to include protection of the human rights to growth and development for groups traditionally viewed and treated as weak, powerless, vulnerable, and incapable of self-determination. Long-term support systems, if they are not to be underpinnings to decay, must involve a clear and committed view of true equality between the sexes, not only on the part of the majority of America's citizens but by its official agencies of government, its legal and judicial system, and, to the extent that is consistent with other cherished freedoms of expression and association, on the part of informal media of communication and private influence-wielding professional associations such as the American Medical Association, the American Bar Association, and the like.

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The perception that as a woman one is a member of what Simone de Beauvoir correctly terms the "second sex"[1] comes to each of us in a different and unique way in a society whose educational system traditionally ignores even a footnote mention of the history of women and their role in the evolution of what we view as contemporary civilization. Although I attended an all-girl Philadelphia high school designated as a single-sex institution for the academically gifted, an institution recently the subject of litigation before the United States Supreme Court in the *Vorchheimer* case, and matriculated at a university founded by a man who delighted in the company of erudite women of the French variety—Benjamin Franklin—my ignorance of the condition of thousands of women in my own city of Philadelphia continued past my admisssion to the bar and came to an abrupt and traumatic halt only when as an assistant district attorney I began a 10-year stint from 1954 to 1964 in the family court division of what was then the Municipal Court of Philadelphia and is now an integral part of the Court of Common Pleas of the State system on which bench I now sit. My assignment was a sex-stereotyped one, since even in the progressive view of the district attorney who hired me in the first instance (I was one of two women in the entire office) my talents

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[1] Simone De Beauvoir, *The Second Sex*, trans. H.M. Parshley, Alfred A. Knopf: New York, 1953.

4:9

would find best expression in the service of women and children with whom I was supposed to have natural empathy.

The fallacy of this notion of spontaneous or natural empathy merely on the basis of shared biological traits is clearly revealed in my own initial reaction of rage against and impatience with the unending procession of women I was called upon to represent on behalf of the Commonwealth in domestic litigation. My firm conviction that the underreporting of batteries upon women exceeds that of child abuse and beating rests on the voluminous complaints I personally received and presented, often to no avail, at the bar of the court. The statement by Eisenberg and Micklow in their recent article, "The Assaulted Wife: 'Catch 22' Revisited,"[2] resonates precisely with my own decade of work:

> Wife-beating is a misunderstood but tacitly accepted custom in our society. As an index of the devaluation of women, it is not regarded as a crime. Any serious acknowledgment that wife-beating exists challenges the institution of marriage and intrudes on societal notions of privacy. *Proof of the frequency of the practice is buried in divorce, assault, and homicide statistics, and is diffused among police, court and hospital records. A significant number of incidents remain unreported.* [emphasis supplied][3]

Later I came to understand why mounting anger and frustration led to my inevitable query, "Why do you put up with it?" for in my own matrimonial entrapment I, a professional woman with all the earmarks of de Beauvoir's "independent woman"[4]—economic independence, salable skills, a recognized position in the community—experienced the same fears, self-doubts, and rationalizations that delayed, but fortunately did not paralyze, escape. Finally, my experience as a judge presiding largely over felony crimes involving serious assaults, a large number of them against women, has not only extended my understanding of the dimension and horror of physical violence against women, but my professional responsibility for meting out just, even compassionate, sentences for the offenders who have been convicted before me, sentences that moreover not only contain the offenders so that they will not repeat their crimes by virtue of forced segregation from society but will also have a rehabilitative component, has compelled me to confront directly the roots of their aggressive behavior and to cast about intelligently for therapies that will modify, if not transform, their responses.

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[2] Sue Eisenberg and Patricia Micklow, "The Assaulted Wife: Catch-22 Revisited," *Women Rights Law Reporter*, 1977, III, p. 138–61.

[3] Ibid., p. 138.

[4] De Beauvoir, *op. cit.*, pp. 679–715.

This life experience, therefore, is reflected in the views contained in this paper. These views will include also the traditional articulated long-range policy solutions expressed in the recent sociological literature on battered wives, most notably the excellent and comprehensive compendium by Straus,[5] whose invaluable research together with Steinmetz[6] and Gelles[7] has been an illuminating force throughout, as well as the perceptions of Fleming,[8] whose pioneering field work in the Philadelphia "Women in Transition" project and now in the National Women's Resource Network movement have provided the basis for continued hope as well as for a personal enduring admiration and friendship. I shall also employ my own individualized response which I am developing through the preparation of a casebook on personhood rights,[9] as well as my own experience with changed perspectives in a related area of public policy—that of child abuse, where recent history confirms the fundamental inadequacy of formal legal revisions and statute tinkering that go unaccompanied by parallel changes in the educational, economic, and cultural spheres of American society.[10]

II. A Historical Backward Glance

I have borrowed (not altogether inappropriately, I think) the title of Edith Wharton's excellent autobiographical sketch for the caption to this subsection. Recent biographical studies show that the powerful themes of entrapment and capitulation predominating in Wharton's fictional work reflected not only her own personal experience, but her perceptions of the social and psychological forces dominating the lives of women in the late 19th and early decades of the 20th century both in the United States and Europe.[11] Entrapment and subjugation have indeed been the lot of masses of women throughout world history. A friend recently presented me with a rare 10-volume series published in 1908 by the Rittenhouse Press of Philadelphia under the editorial supervision of a Reverend Alfred Brittain (a shadowy figure upon whom I plan to do further research), entitled *Women in All Ages and All Countries* ; a perusal of these 10 volumes provides interesting and invaluable insights into the condition of women—in all countries and all ages—independent of the editorializing view of the author, who subscribes to the Madonna-bitch dichotomous view of women, as well as to the biological dogma of the unchangeability of women's nature. In his preface to the volume on Roman women, the good reverend states:

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[5] Murray A. Straus, "Sexual Inequality, Cultural Mores, And Wife-Beating," *Victimology*, Spring 1976, pps. 54–76; also reprinted in Emilio C. Viano (ed.), *Victims and Society* Visage Press: Washington, D.C., 1976. Also by Straus, 1977, "A Sociological Perspective On The Prevention And Treatment of Wife-Beating," to appear in Marina Roy (ed.), *Battered Women* (New York: Van Nostrand, 1978).

[6] Suzanne K. Steinmetz and Murray A. Straus (eds.), *Violence In The Family*, Harper and Row: New York 1974.

[7] Straus, Steinmetz, and Richard A. Gelles, *Violence In The Family*, 1978: book in preparation.

[8] Jennifer Fleming, a 35 year old, gifted social worker, founded the pioneering "Women In Transition" project in Philadelphia. She has just received a Ford Foundation grant for her newest project, "The Women's Resource Network," which will enable Ms. Fleming to work at a national level.

[9] Lisa A. Richette, *Cases And Materials On Personhood Rights*, 1978, casebook in preparation.

[10] James Gamberino, "The Price of Privacy In The Social Dynamics Of Child Abuse," *Child Welfare*, vol. LVI, no. 9, November 1977.

[11] R.W.B. Lewis, *Edith Wharton, A Biography*, Harper and Row: New York, 1975. Winner of the Pulitzer, Bancroft, and National Book Critics Circle Awards for 1976.

> If, by the most violent exercise of the imagination, you transport a female infant of the twentieth century and cause her to be reared among the women of the Augustan age, she would fit as naturally into her surroundings as she would into the present society of London or of New York.[12]

These and innumerable other utterances of the sort confirm de Beauvoir's thesis that Victorian literature on the subject of women was "voluminous nonsense." Among the notable exceptions is that singular essay published by John Stuart Mill in 1869 on the *Subjection of Women.* Although his solutions seem at once too narrow and too broad, based on his utilitarian views, he has been correctly applauded by as acerbic a critic of male writers on women as Kate Millet, who states in *Sexual Politics* that:

> Mill is perfectly aware that among the poor the female is subject to greater indignities than anywhere else, as she is the only creature in the world over whom an exploited man can claim superiority and "prove it by crude force."[13]

Mill's insight came to empirical verification a century later in the theoretical work of Goode (1971), Rodman (1972), and Rogers (1974), culminating in what Allen and Straus in their paper, *Resources, Power, and Husband-Wife Violence,* presented to the 1975 annual meeting of the National Council on Family Relations, call the ultimate resource theory, which rests on two main hypotheses:

> 1. When resources of a spouse are low, the greater that spouse's power, the greater his or her use of violence.
>
> 2. When resources are high, there is no relationship between power and violence.[14]

Mill's further prophetic powers are fulfilled in another passage by Millet:

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[12] Rev. Alfred Brittain (ed.), *Women In All Ages And In All Countries,* 10 vol., The Rittenhouse Press: Philadelphia, 1907–08; preface to vol. III, by Brittain, *Roman Women,* p. viii.

[13] Kate Millett, *Sexual Politics,* Doubleday: New York, 1971, p. 126.

[14] Allen and Straus, paper cited in text, p. 13.

> In the nineteenth century, as today, unreported, even unremarked upon, assault upon women too servile, or too intimidated to risk further attacks was the customary event among the lower classes. Mill urges that as "there can be little check to brutality consistent with leaving the victim still in the power of the executioner," divorce should be permitted upon conviction of assault, but convictions become unattainable, for want of a prosecutor, or for want of a witness.[15]

Mill's acuity of vision is validated in the present-day deficiencies of law enforcement and prosecution in the area of battered women, reported elsewhere in the papers presented at this conference and amply documented in the literature by the work of Parnas[16] and Bard.[17]

Most of the 19th century feminist struggle centered about the recognition of fundamental legal rights for women, such as the suffrage, the right to hold property, the right to due process and equal protection of the laws, and what may generally be regarded as the extension of the 14th amendment protections to sexual as well as racial categories (a struggle that continues today, as witness the ambivalent view of the Supreme Court on the applicability of the 14th amendment protections to women's issues).[18]

It is most understandable that the issue of battered women did not command the full attention of feminist theoreticians and writers. Their oblique approach to this issue arises from their struggle to posit a role for women separate from that of wife, since they viewed the lack of educational and professional opportunities as paramount causes for the evils and abuses of marriage. Thus, in Carrie S. Burnham's *Argument on Elective Franchise* —a brilliant if obscure volume of the brief she presented to the Pennsylvania Supreme Court, *en banc,* and which feminist groups circulated after 1870 for fundraising—one finds a linkage between suffrage and the broader issues of American women's societal confinement. Burnham argued:

> Society owes instruction equally to all its members, yet the educational opportunities afforded the two sexes bear only the relation of contrast. In the education of the boy the nation is interested. He is to be one of its sovereigns and in the struggle of life must compete with intellect. To prepare him for developing the country's resources and to gain a livelihood, it is necessary he should have ample opportunity to acquire a literary, scientific, or business education. To his desire for self-culture or public honor

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[15] Millett, *op. cit.,* p. 134.

[16] Parnas, "Judicial Response To Intra-Family Violence," 54 Minn. Law Review 585 (1970).

[17] M. Bard, "The Study And Modification Of Intra-Familial Violence," in Steinmetz and Straus, *op. cit.,* see note 6.

[18] See particularly Mr. Justice Rehnquist's dissent in Trimble v. Gordon, 45 U.S.L.W 4395, ff., for a classic statement of minimal judicial scrutiny in all cases except those using race as the sorting device.

> there need be no bounds, for all motives, helps, public and private opportunities that can be afforded, stimulate his ambition.
>
> Not so with the girl. Equally talented by nature, more quiet and persevering in her early studies, with a keener intuitive appreciation of new truths, she soon surpasses her brother in every fair contest in the acquisition of knowledge. But just as soon as she has learned the rudiments of science, the processes of study, and modes of thought, she finds that her brother, destined to be a voter, a sovereign, an *individual,* must have a different curriculum and more years of study in preparation for these high duties. Then she questions the significance of life. What has she to gain?
>
> Too soon she learns the sad lesson that society has destined her, not to be a woman, individualized, self-reliant and responsible, but only a wife, whose individuality and legal existence is "merged in that of her husband."[19]

Burnham's solution of suffrage, equal educational opportunities, and the admission of women to Yale and Harvard came to fruition one century later, during a period in which (ironically, yet with great historical force) the phenomenon of wife beating first faced honest confrontation in its full cultural implications. Virginia Woolf, an earlier feminist of this century, in *A Room of One's Own* [20] propounded as minimum conditions for women's creativity—at least in literature—money in the form of independent income and a private area for work. Her approach is unprogrammatic, as she does not propose that the annual stipend be provided by government or private philanthropy. This slim volume, in which renewed interest has sprung up as a result of the women's movement, clearly posits the poverty of women (even the wealthiest often have no control or management over their monies) as a causal link not only to nonproductivity in the artistic sphere, but also to their lowered or even nonexistent sense of self-worth. That women have been the subject of much worthless and indeed repressive literature until this century is clear not only from Woolf's own perception that to read all the tracts listed under this subject in the British Museum would require a "herd of elephants and a wilderness of spiders" for coping, but also from the later vision of de Beauvoir, who states that:

> "All that has been written about women by men should be suspect for men are at once judge and party to the lawsuit" [quoting a little-known 17th century French feminist, Poulain de la Barre].[21]

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[19] Carrie S. Burnham, *Woman Suffrage.* The Women's Suffrage Association: Philadelphia, 1873; p. 77.

[20] Virginia Woolf, *A Room Of One's Own,* Harcourt, Brace, and World: New York, 1929.

[21] De Beauvoir, *op. cit.,* Introduction, pp. xxi-xxii.

From Aristotle's dictum that a woman is half a man to the terse Latin maxim, " *tota mulier in utero* " (woman is a womb), historians and male writers have legitimated the prevailing system of sexual apartheid in society. As in all societies dedicated to apartheid systems, the legal norms governing caste relations ossified into social traditions that in turn provide the permanent vertebrae of the social order. It is, therefore, to the norms regulating marriage and the relation of husband and wife that a historian of the battering of women must turn. This paper makes no such sweeping attempt, but strongly suggests (as in the example cited of Mill's prescient view that wife beating was related to resource amassment, later validated in the ultimate resource theory) that the literature of the past may yield valuable insights, apart from its essential quality of historical litter. This research task of a historiography of women will involve not only the writing of women's history, but also a critical analysis of what men wrote of that history, distorted, myopic, even misognyist in tone. One occasionally finds startling and encouraging statements such as that of the Reverend Brittain who, accurately noting the relative freedom enjoyed by Roman women in contrast to other societies, states:

> The comparatively free and respected positions of the matrons of republican Rome accounts in no small degree for the glory and greatness of the State. Where woman is treated as a slave, there is no genuine love of liberty. Great men can only be born of noble mothers, and nobility, feminine as well as masculine, can only flourish in freedom.[22]

His suggestion that men will improve if women enjoy a higher liberty is inherently egotistical. Moreover, this line of reasoning is a self-serving argument that some chauvinists utilize to discourage and oppose the women's movement on the theory that if women are accorded more freedom they will become more like men. Admittedly, this is a bad condition, as a friend, ex-Ambassador to Spain and former Governor of Connecticut John Cabot Lodge, put it in his statement to me that men are born with the instinct of pigs and are only ennobled by women's self-sacrificing devotion to them. Reverend Brittain's passage survives as a clumsy paraphrase of Lincoln's credo that a democracy cannot survive half-slave, half-free, but applied unintendedly to the arena of male-female relations.[23] It is beyond the scope of this paper to categorize and classify the treatment of women "in all societies and in all ages," but even the most superficial and cursory of backward glances confirms de Beauvoir's view that "throughout history woman has always been subordinated to man." It is clear that the present brutalization of some women by some men within the marital and familial context is the direct byproduct of that subordination.

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[22] Brittain, *op. cit.*, p. 39.

[23] Ibid., *vide supra.* Lincoln's statement comes from the Emancipation Proclamation.

III. Who Gives This Woman Into Marriage?

Behind the beguiling and charming notion of the handing over of the bride at the altar by her father to her waiting husband, and the father's subsequent declaration of his relinquishment (a convention reenacted on thousands of occasions and only now excised, along with the vow of obedience, from the marriage rite, especially when it is performed in a civil ceremony), lurks a sinister historical truth first formulated in Roman law: that the wife stands before her husband "*in loco filiae*" —in the position of a daughter; in other words, of a child. The implications of this status are clear when one considers the position of children before the law both historically and in a present-day context. Much of the legal controversy over the processes of juvenile justice and the interventions by the justice system on behalf of abused children center over the issue of whether children are chattels, possessions of the parents, or independent citizens with that panoply of legal and human rights we have come to regard as personhood rights. See my *The Throwaway Children.* [24] Implicit in the relationship of wife and husband on the parent-child model is the exaltation of the notion of the infantilization process. The utilization of the infantilization technique is a classic legal device for the devaluation and oppression of the infantilized group at the hands of the adult members in society who alone enjoy the full participatory status of personhood. In establishing the legal framework for American Negro slavery, for example, the colonial lawmakers drew upon English common law precedents and theory governing the relation between parent and child and husband and wife. The infantilization syndrome is evident as well in the treatment of many other exploited minorities; American Indians, for example, were by Federal law long denied access to a free choice of adult cultural roles—government reservations and other institutions of Indian life closely paralleled a regulated family structure, in which the Bureau of Indian Affairs exerted a paternalistic control over all facets of personal life.

One of the most disconcerting and crippling effects of an infantilization process is that it bestows upon the infantilized subject, through social mythology and the creation of a fictional delusional system of language and concept, a series of apparent privileges, all of which become illusory when the arrangement is challenged by a rebelling "infant" or when the "infants" do not fall under the protection of a responsible male or become more useful as direct objects of exploitation. This paradox is clearly delineated by George Steiner in his introduction to *After Babel:*

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[24] L.A. Richette, *The Throwaway Children*, J.S. Lippincott: Philadelphia, 1969.

> In most societies and throughout history, the status of women has been akin to that of children. Both groups are maintained in a condition of privileged inferiority. Both suffer obvious modes of exploitation—sexual, legal, economic, while benefitting from a mythology of special regard. Thus Victorian sentimentalization of children was concurrent with brutal forms of erotic and economic subjection.[25]

The infantilization process, with its underside of brutality and anger beneath the mask of benevolent protectiveness, helps to explain the dualism in the legal system's treatment of women, a dualism that the vast majority of American male lawyers failed to question. I refer to the law's notorious unresponsiveness to the position of women as victims and its overreaction to women as aggressors, a dualism paralleled by the juvenile system where, for decades, so-called incorrigible children were locked up under often deplorable conditions, while abused and brutalized children were passed about from agency to agency as so many counters. As significant movements are occurring in the area of child abuse within a broader context of a redefined notion of justice for children, so too, in the area of another infantilized legal subcategory, women, must come a reversal of attitudes in which the law must convert its past zealousness in dealing with errant women into a positive charge of energy directed at the protection of women as victims. Case reports are studded with examples, such as the following, of negative energy explosions against women:

> . . .A lecherous woman is a social menace; she is more dangerous than T.N.T.; more deadly than the pestilence that walketh in darkness or the destruction that wasteth at noonday.
>
> For the lips of a strange woman drop as a honeycomb, and her mouth is smoother than oil; but her end is bitter as wormwood, sharp as a two-edged sword. Her feet go down to death, her steps take hold on hell.
>
> Proverbs 5: 3–5.
>
> Opinion of Higbee, C. in *State v. Snow* (Supreme Court of Missouri, 1923), 293 Mo. 43, 252 S.W. 629.[26]

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[25] George Steiner, *After Babel*, Oxford: New York and London, 1975, p. 38.

[26] Quoted in Kanowitz, *Sex Roles In Law And Society*, University of New Mexico Press, Albuquerque, 1973, p. 98.

A recent collection of romanticized stereotypes of women collected under the punning title of *Myth America* may help contemporary society to attain a mature recognition of the true nature of the infantilization process as it impinges on women, but for the appearance of a disturbing series of countertrends articulated by the triad of Marabel Morgan, Phyllis Schlafly, and Anita Bryant in their recent activities on the American scene. Morgan's "total woman" approach glorifies the infantilization process and carries the traditional role of women in marriage to theatrical extremes of caricature. Indeed, Morgan is not averse to, and indeed advocates, the adoption of suitable costumes to be donned by women when greeting their returning husbands from the day's work, including the Frederick of Hollywood "baby-doll" costume in which the woman is dressed as a seductive, erotically precocious child. That numbers of American women choose to be "totaled" is evidenced by the success of Morgan's lecture tours and the subsequent run on lingerie departments in women's apparel stores in the wake of one of her lectures. Bryant's crusade against homosexuals under the misleading banner of "Save the Children" is the panicked cry of powerless women who see their sexuality threatened by the assertiveness of male and female gays seeking their own personhood rights; her crusade arouses fears and anxieties concerning the viability of traditional heterosexual marriages and the continuation of the power system of the heterosexual family model, a system that has historically accorded full power to the male partner on the basis of legal tradition, physical superiority, and the domestic enslavement of women whose housewifely chores have not been compensated. Schlafly's pose as the defender of orthodox family values and the protector of the rights of married women is by now a cliche; indeed the classic appeals of the anti-ERA groups in American society, as well as those of opponents elsewhere to women's equality movements, rest on the disruptive and destructive impact of equality to the "rights" of married women. The illogicality and indeed mendacity of these arguments is easily established in the rare instances where coherent debate is possible, but for many American citizens—male as well as female—the institution of marriage seems synonymous with a rigid symbiotic power distribution between the sexes so that a redistribution of power appears an ominous threat to the stability and continuity of the institution of marriage. This equation between marriage and the perpetuation of male power rests on ancient historical foundation; but given the tremors which have surrounded that foundation on many social and economic fronts, it seems clear that a permanent Andreas fault underlines the past definitions of marriage, and that a redefinition of that institution must be part of an effort to eliminate the abuses which women have suffered within its framework.

Some women are battered physically, but all women are bruised psychologically in a marriage relationship founded on the notion of her passing from her father's control to her husband's, a notion that is reflected in the law's refusal to intervene within the orbit of marital privacy until and unless she can establish a clear and direct violation by her husband not of the criminal law, but of the special law regarding their relationships. I distinguish between the criminal law and domestic relations law in this context because of the law's continuing failure to recognize marital rape as a *malum in se*, as a proper arena for social intervention.[27]

It is with the reformulation and protection of the role of married women that long-range feminist reforms must grapple. Current-day movements for women's equality have, until recently, focused on the careerist and professional aspirations of middle-class, intellectually gifted, upwardly mobile women. Their arguments have had little appeal for the traditionalist American married woman and homemaker, the pink-collar working woman, the nonacademically motivated adolescent girl, the black or Chicano woman bound to her ethnicity, proud indeed of it, but baffled by the chauvinism and machismo of that heritage. The recent "Martha" movement represents an effort to include the concerns and needs of the mainstream group of housewives and to compel their priorities upon the leadership elite of women's groups. Last fall's International Women's Year Conference at Houston successfully included in its agenda for reform issues relevant to the needs of these hitherto voiceless groups.[28]

Marriage has been the most delimiting of institutions imposed upon women. In the classic statement of Lawes' resolution: "A woman as soon as she is married, is called covert, in Latin *nupta*, that is veiled, as it were—clouded and overshadowed; she hath lost her stream."[29] Marriage has perpetuated and made desirable the phenomenon described by de Beauvoir in an apt metaphor derived from physics: "Men and women are not quite two electrical poles since man is both positive and neutral; woman is the negative, defined by limiting criteria and without reciprocity."[30]

In proposing that the institution of marriage be redefined in a manner which corrects the power imbalance and affords the more vulnerable partner economic, social, and legal protections, I do not consider the role that the sexual liberationists—the proponents of the so-called "open marriage"—play in the debate to be a serious or socially progressive one. In a long evening spent with the leading proponents of open marriage, the O'Neills,[31] I was struck by the inherent machismo of the husband in describing the intricacies of that relationship. In middle age, he seemed vibrant and boyish in recounting his extramarital sexual exploits; his taciturn wife sat quietly, almost sullenly, except when she attempted to interrupt his flow of discourse. I perceived little difference between them and their suburban counterparts: the middle-aged executive with his little affairs on the side grudgingly according his wife the floor for 5 minutes or less at a conventional dinner party. Nor do I consider as important the fact that so many conventional marriages appear to be "happy"; middle-age female depression and menopausal anxieties catered to and fostered in the past by the American medical establishment have risen to disturbing proportions; even the traditional fashion magazines have now begun to look at the underside of American marriages and have begun to publish confessional articles by middle-class women on wife battering. A recent issue of *Vogue* magazine (January 1978) contains a long and sensitive article by a wife who submitted for a long period of time to marital assaults.[32] But the most important theoretical consideration for focusing on the personhood rights of women in marriage rather than on their emotional state of "happiness" (it is interesting to note that until recently the self-evident principle of the pursuit of happiness as defined in the American Declaration of Independence was denied women, who were expected not to pursue happiness but to accept the male version of it in the institution of marriage) is that advanced so eloquently by de Beauvoir in the closing paragraphs of her introduction to *The Second Sex* :

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[27] Richard J. Gelles, "Power, Sex, and Violence: The Case Of Marital Rape," paper presented in conference, Apr. 30, 1976.

[28] See the coverage by the *New York Times*, *Newsweek*, and other national publications; also Betty Friedan's important account in *The New Republic*, Dec. 7, 1977, p. 11 ff.

[29] Cited by Kanowitz, *op. cit.*, p. 97.

[30] De Beauvoir, *op. cit.*, p. 223.

> But we do not confuse the idea of private interest with that of happiness, although that is another common point of view. Are not women of the harem more happy than women voters? Is not the housekeeper happier than the workingwoman? It is not too clear just what the word *happy* really means and still less what true values it may mask. There is no possibility of measuring the happiness of others, and it is always easy to describe as happy the situation in which one wishes to place them.
>
> In particular those who are condemned to stagnation are often pronounced happy on the pretext that happiness consists in being at rest. This notion we reject, for our perspective is that of existentialist ethics. . . .
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> Now, what peculiarly signalizes the situation of woman is that she—a free and autonomous being like all human creatures—nevertheless finds herself living in a world where men compel her

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[31] George and Nena O'Neill, *Open Marriage*, J.D. Lippincott, Phila., 1972.

[32] Jill Blumberg Victor (pseudonym), "He Beat Me," *Vogue*, January 1978, pp. 177, 180, 185.

> to assume the status of Other. They propose to stabilize her as object and to doom her to immanence since her transcendence is to be overshadowed and forever transcended by another ego which is essential and sovereign. The drama of woman lies in this conflict between the fundamental aspirations of every subject—ego—who always regards the self as the essential—and the compulsions of a situation in which she is the inessential. How can a human being in a woman's situation attain fulfillment? What roads are open to her? Which are blocked? How can independence be recovered in a state of dependency? What circumstances limit women's liberty and how can they be overcome?[33]

It is interesting that the author of so lucid and courageous a set of queries has been credited unofficially, but via the literary grapevine, with the authorship of that classic erotic masterpiece of feminine masochism, *The Story of O,* [34] in which a woman is battered physically as a prelude to prolonged, anonymous, sexual assaults of every variety until she is finally killed. Although O in English is the first letter of Other, the term de Beauvoir assigns to women, and the limpid literary style could certainly have come from her hand, the authorship of *O* is irrelevant. What is important is the stimulation and sense of *deja vu* so many American women readers of the book experience, and the thematic application of O's story to that of so many so-called American adolescent delinquent girls, who display what I have come to call the O syndrome in their life patterns, the sense of being zeros, nothings, holes, orifices who serve only as receptacles into which men pour their semen. Recent studies by Konopka[35] have confirmed the adolescent girl's struggle for personhood—a lonely quest that if pursued to its ultimate will deprive her of the opportunity to marry unless she finds a man equally and courageously committed to that quest not only for himself but for his wife, that rare spirit who in the dedicatory words of Burnham to her volume on the woman suffrage argument belongs to those men "possessed of sufficient noble manhood to bear equality."[36]

No one gives this woman into marriage save herself, and she gives herself not into servitude but into a partnership of dignity and productivity protected and honored by the state. Long-term support systems for battered women must begin, then, with a reevaluation of marriage, a serious and continuing effort to protect women economically in marriage by the establishment of a wage system for housework, thus creating economic independence as well as dignity for women who are in the home. The legal dogma that support orders will be awarded only in the rarest of instances, if at all, where husbands and wife are living together must give way to a legislative principle that women's housework is valuable and worthy of compensation either in the form of direct payments by her husband, with full social security benefits to accrue, or a system of credits to be given to her upon which she may draw in the event of marital breakdown or a change in her personal situation. Friedan and de Beauvoir in a recent dialogue[37] reviewed this theme of marital reform. Since de Beauvoir in her own life has rejected marriage, she is pessimistic about the ameliorative possibilities of any reform of the institution. Nevertheless, in the course of the interview she advanced the notion of compensation, of sharing of household chores, and of the establishment of communal kitchens and day-care centers where the more onerous and drudge-like features of domestic life could be shared among a larger number of women. One cannot help but note that no matter which way the pie is cut, the final result is that one group of women, albeit well-compensated and protected, will have thrust upon them the worst aspects of marital drudgery. Furthermore, opponents of this form of communal task sharing and childrearing embrace the psychiatric research and sociological observations concerning the deficiencies of one model of such a social arrangement—the Israeli kibbutz—as articulated by Bruno Bettelheim in *Children of the Dream,* [38] wherein a negative portrait emerges with disturbing psychological implications for the children molded by these shared childrearing functions.

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[33] De Beauvoir, *op. cit.*, p. xxviii.

[34] Pauline Reage (pseudonym), *The Story Of O*, translated from *L'Histoire D'O* by Richard Howard, Grove Press: New York, 1967.

[35] Gisella Konopka, *Young Girls*, Prentice-Hall: Englewood, N.J., 1976.

[36] Burnham, *op. cit.*, p. 4.

Nevertheless, it is important to confront courageously the inherent contradictions between a patriarchal archetype of marriage and the aspirations of free women living in a democratic milieu. I have elsewhere alluded to the underreporting of domestic violence to the police. More importantly, the potential for violence remains inherent in the traditional marriage relationship, as it has unfolded in a society that consistently denied women their personhood rights. We shall consider elsewhere in this paper the internalization of nonpersonhood by battered women, but even significantly liberated women find the reconciliation of their newly won freedom with the marital status difficult and vexing. Only by an unemotional and unsentimental consideration of the basic notion of marriage, its social and physical underpinnings, can we begin to resolve some of its dilemmas and some of its abuses. Thus, in decades to come we will not encourage violence and sadism between the sexes by the institution of marriage, and we will achieve, by legal norm and regulation, the social control of the male desire to dominate within the marriage setting, on the one hand, and the feminine acceptance of this dominance as socially necessary and personally fulfilling of social obligation. One is reminded by the attitude of many battered wives of the classic plea made by Hersilia, spokeswoman for the raped Sabine women, to her brothers and clansmen when they came to avenge the crime against their Roman seducers:

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[37] See *Ms.* July 1977, p. 38 ff.

[38] Bruno Bettelheim, *The Children Of The Dream,* Macmillan: New York, 1969. See especially Bettelheim's Part I, "An Experiment In Nature."

> It is true that we were ravished away unjustly and violently by those whose wives we now are; but that being done, we are bound to them by the strictest bonds, so that it is impossible for us not to weep and tremble at the danger of the men whom once we hated.[39]

That the symbiotic power arrangements in marriage create discord and unhappiness for both members of the dyad is clear. The remedy, however, cannot be an easy and inexpensive form of divorce that proves, from the masculine standpoint, an institutionalized form of successive polygamy in which the male has the distinct advantage, being always able to select a new mate from a steady pool of younger women. Women, on the other hand, who have attained what used to be called "an interesting age" find themselves unable to attract males of their own or younger age groups. A reform of the basic institution must occur, so that de Beauvoir's apt characterization of marriage in the following passage becomes a relic of the past rather than a model for the future:

> Marriage incites man to a capricious imperialism; the temptation to dominate is the most truly universal, the most irresistible one there is; to surrender the child to its mother, the wife to her husband is to promote tyranny in the world. Very often it is not enough for the husband to be approved of and admired, for him to be counselor and guide; he issues commands, he plays the lord and master. All the resentment accumulated during his childhood and his later life, those accumulated daily among other men whose existence means that he is browbeaten and injured—all this is purged from him at home as he lets loose his authority upon his wife. He enacts violence, power, unyielding resolution; he issues commands in tones of severity; he shouts and pounds the table; this farce is a daily reality for his wife.[40]

The strong suggestion that the marital domicile becomes the arena for the explosion of built-up tensions and the playing out of social roles imprinted indelibly and early in the socialization process of children requires a closer scrutiny of those processes and suggestions for improving and transforming them as part of long-range support systems in the treatment and prevention of violence against women.

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[39] Cited from Livius' *History Of Rome*, in Brittain's *op. cit.*, p. 75.

[40] De Beauvoir, *op. cit.*, p. 465.

In his essay entitled, "A Sociological Perspective on the Prevention and Treatment of Wife-Beating,"[41] Straus posits six social factors that present strong policy implications for prevention. Although his work is impecacably researched and invaluable in this area, I have not adopted his six factors as definitive because he does not include explicit factors that pertain exclusively to the socialization of and sex-role assignment to women in this culture. Nevertheless, his schema remains important and influential despite its failure to place sex-role assignment in a more primary position. The themes of socialization in Straus' schema relate to his Factor V, which he classifies as "*Sexually Stereotyped Roles and Sexism in the Family and Society.*" His eight points under this heading are cogently stated and seem self-evident. Indeed, they are overarching and comprehensive enough to serve as bridge to the remaining sections of this paper.

To avoid a confusing numerical sequence, I have omitted the laundry list classification numbers he assigns and have used instead a bullet.

- Eliminate the husband as "head of the family" from its continuing presence in the law, in religion, in administrative procedure, and a taken for granted aspect of family life.

- Eliminate the pervasive system of sex-typed occupations in which "women's occupations" tend to be poorly paid, and the equally pervasive difference between the pay of men and women in the same occupation.

- Reduce or eliminate the sex-typed pattern of family role responsibilities.

- Establish or subsidize a comprehensive and high quality system of day-care centers for pre-school children.

- Full sexual equality is essential for prevention of wife-beating.

- As the society eliminates fixed sex-roles, alternative sources of stability and security in self-definition will be needed.

- Parent-child interaction, parental expectations, and all other aspects of socialization should not be differentiated according to the sex of the child.

- Eliminate from the criminal justice system the implicit toleration of wife-beating which comes about through (A) statutory and common law; (B) the attitudes of the police, prosecutors, and

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[41] Harry A. Strauss, work cited in text.

> judges; and (C) through cumbersome and ineffective procedures which make even the available legal remedies ineffective.[48]

Some of these programmatic items are the subjects of other papers delivered to this conference; others such as the provision for equal pay and the elimination of female labor ghettos depend for fulfillment upon the invigorating of governmental policies in the implementation of the Equal Pay Act, and the endowment of the Equal Employment Opportunity Commission with broader powers of rulemaking and enforcement. This beefing-up of staff and procedures seems likely under the leadership of Eleanor Holmes Norton as Commission Chairman. This appointment, by the way, is surely one of President Carter's most distinguished public acts so far.

Other items on the Strausian laundry list provoke the response, "Yes, but when?" particularly those dealing with the elimination of the patriarchal image in religion, politics, public administration, and government. The full participation of women in these influential public power spheres will require decades of social pressure and participation by women at every level. Given the social and economic conditions for the continued growth and development of the women's movement within the next quarter-century and the strong likelihood that it will continue to behave intelligently and responsibly even in the wake of an upsurging wave of male reaction that I refer to as the Bakke-lash (in what will certainly be an excusable although timely pun), it is possible that some of the visionary items will become social reality.

We who are the bridging generation of women have perhaps the greatest responsibility of all: to use the occasion of this conference and every possible opportunity of convocation to engage in constructive work that will both have an immediate impact upon those women whose lives have been rendered most desolate by the social injustice against them as women and provide good foundations for the development of the new structures of an equalitarian society in which sex stereotyping is a condemned and illicit remnant of an inhumane past. Hence the balance of this paper will deal with recommendations that do not have the vice of being coopted to shore up present decay, but contain within them the foundations for a new reordering of social and legal relationships between men and women, and between them and established public policy.

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[48] Ibid., p. 39.

IV. Against the Two-Track System of Socialization for Males and Female Children and the Use of Violence to Enforce Its Acceptance

The divergent cultural paths toward adulthood set forth for boys and girls in society have been perhaps the most enduring in the long list of achievements by that great American anthropologist and woman of letters, Margaret Mead.[43] Samoa, it has become apparent by now, is not very different from Seattle or St. Louis, nor as Ruth Benedict has shown, is Arapesh culture unrelated to Appalachia.[44] The anthropological contribution to the women's movement has been precisely that of focusing clear-eyed attention on socialization processes and the implicit as well as explicit commands placed upon young children. It is beyond the purpose of this paper to engage in a long description of the prevailing cultural differences; they may be summarized under the duality of machismo-maddonismo syndromes. I have adopted the concept of maddonismo—the ideal of the Christian symbol of the Madonna—as a cultural stereotype in role-model imposition from the Italian women's movement; one of their most popular buttons frequently seen on the lapels and dresses of Italian women involved in the movement reads, *Donna Non Madonna.* The alliteration is perfect in Italian while retaining the full force of the statement, *Woman, Not A Madonna.*

A recent work by Marina Warner, an English author, *Alone of All Her Sex, The Myth and Cult of the Virgin Mary,* develops fully the theme of the Madonna legend and its impact upon the role of woman to conclude that:

> The Virgin Mary has inspired some of the loftiest architecture, some of the most moving poetry, some of the most beautiful paintings in the world; she has filled men and women with deep joy and fervent trust; she has been an image of the ideal that has entranced and stirred men and women to the noblest emotions of love and pity and awe. But the reality her myth describes is over; the moral code she affirms has been exhausted. The Catholic Church might succeed with its natural resilience and craft, in accommodating her to the new circumstances of sexual equality, but it is more likely that, like Ishtar, the Virgin will recede into legend. . . .[45]

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[43] Margaret Mead, *Sex And Temperament,* Morrow: New York, 1935. n,

[44] Ruth Benedict, *Patterns of Culture,* Houghton Mifflin: Boston, 1934.

[45] Marina Warner, *Alone Of All Her Sex,* Alfred A. Knopf: New York, 1976, p. 338.

[46] Cf. Millett, *op. cit.,* chapter 7 on Norman Mailer. For the scathing, book-length reply, see Mailer's *The Prisoner Of Sex.* The best overview yet of what Millett and Mailer said and why, is Gore Vidal's notoriously scathing essay, "Miller-Mailer—Manson Man Meets Women's Liberation," reprinted in his collected essays (1947-73), *Homage To Daniel Shays,* Random House: New York, 1973. (Mailer, true to his macho persona, punched Vidal in November 1977 at a literary soiree in Manhattan; the essay by Vidal still annoyed him, presumably.) Millett's attack or analysis of Mailer's

Furthermore, the socialization process for young women has contained as the antithesis of the Madonna not the concept of woman, but the concept of the whore. The negative underside to machismo, that of the weakling or the effeminate man, a clear anxiety pattern in so many of the male sex offenders and woman abusers who appear before the court, creates in the anxious and sexually confused man a nightmare vision of women or of a particular woman as a non-Madonna—that is, a whore—against whom he can vent all his spleen and even murderous rage. The destructive impact of this early cultural imprinting continues to erode the spirit of adult men and women. As Freud so succinctly observed, neurosis is never outgrown, but continues to lodge itself within the individual despite the passage of years, unless and until it is clearly confronted and treated either by external therapy or by determined self-healing (largely through sublimation) by the neurotic personality.

Machismo stresses aggression, ruthlessness, opportunism, indifference to the humanity of all who do not possess it. Millett made a valuable contribution by discussing the impact of machismo on contemporary world literature and, most notably, the Hemingway-Mailer tradition in American fiction.[46] Whether or not Millett's polemic has led to the revision of reading lists for adolescent girls and boys is dubious. More subtle critiques of the role of machismo in daily American life, and particularly in the sphere of politics, do await publication. Lucy Komisar, an astute social critic and feminist, has just completed a study of this theme.

Proposals have been advanced and implemented that eliminate the sex stereotyping both in primary school readers as well as in the selection of supplemental vocational courses. Federal legislation in the form of Title IX of the Education Amendments of 1972 (20 U.S.C. §§1681 *et seq.)* prohibits the distribution of Federal funds to any public school programs that advance a two-track system of education and vocational guidance. These are laudable and important objectives, yet they do not confront directly the inherent dual tracking advanced by parents and by that great American surrogate parent—the television screen. Important sensitization must take place at all levels so that parents communicate directly the concept that boys and girls are first

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sick machoism is perhaps best supported by a book she hardly treats: *An American Dream.* This novel's narrator-protagonist, Stephen Rojeck, cruelly murders his wife in chapter 1. Then, sexually aroused by the murder, he sodomizes by force his German Nazi housekeeper. Incredibly, this victim of anal rape accepts and enjoys her violation, blissfully exclaiming, "What a genius you are at sex, Herr Rojack." It may be relevant that Norman Mailer attacked his third wife with a knife, nearly killing her, some 15 years ago. Yet another study of machoism, woman-hating, and latent homosexuality in American literature is Leslie A. Fiedler's *Love And Death In The American Novel.* Fiedler's pathbreaking analysis remains a joke to so-called "experts" in his field, but many younger critics are working out his seminal insights in other studies. For Fiedler, see the Dell reprint in 1973.

[47] Constance Markiewich, quoted in *The Women's Liberation Calendar* for the year 1975.

and foremost human beings, rich in their diversity, each unique in potential; and more important, internalize the concept, thereby underlining that violence is condemned, and not encouraged, as part of the natural development of the young boy, and assertiveness is encouraged, and not condemned, on the part of the young girl. Intrafamilial violence between siblings, where either the younger brother or sister is the victim, cannot be accepted as the natural order of things, but as a behavior pattern to be excised through patient and loving learning *that in itself involves no violence against the offending child.*

On the converse side of the coin, parents should not inculcate in young girls the concept that this is a man's world in which survival depends on pleasing men and becoming the object they desire. They should teach instead that survival in this world for women depends upon developing their own inner resources, their strengths, their discipline for work, and their ability to relate pleasantly and fairly with both sexes. I would urge that every pediatrician dispense to the mother of a young female baby a copy of Constance Markievich's injunction to women:

> Don't trust to your feminine charm and your capacity for getting on the soft side of men, but take up your own responsibilities and be prepared to go on your own way depending for safety on your own courage, your own truth and your own common sense, and not on the problematic chivalry of the men you may meet on the way.[47]

The machismo cult is in direct conflict with the notion of chivalry and has indeed rendered chivalry problematic as all participants in this conference well recognize, but it is important to stress that machismo can flourish only when its feminine mirror-image, madonnismo, is equally encouraged and held before the eyes of young girls as the most important ideal, for the Madonna image, apart from all of the brilliant and thematic variations developed by Warner, also culminates in the vision of the Pieta, the weeping, sorrowful Mater Dolorosa embracing the Cross. Parenthetically, the mauling and defacement of the Michelangelo "Pieta" by a madman several years ago stirred a reverberation of horror and revulsion in both men and women alike, somewhat out of proportion to the reaction to other art vandalism and erosion of great works such as, for example, Da Vinci's "Last Supper" or the gradual immersion of that wondrous marvel of a city, Venice, into the Adriatic. Like so many young Italian matrons of her day, my mother received as a wedding present a superb icon of the Peita to

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[48] Letty Cottin Pogrebin, "Do Women Make Men violent?" *Ms.* , November 1974, pp. 49–55 and p. 80.

place above her marriage bed as part of her dowry. It symbolized a cultural myth by which she was meant to live.

Madonnaism implies mute and resigned acceptance of pain and suffering, no matter at whose hands, and particularly at the hands of those closest to you, together with a fear of sexuality and a sense of life's doom associated with the maternal role. In the reported literature of battered women, there prevails this sense of destiny or justness to the pain inflicted by the brutal and punishing husband who seeks humiliation and dominance over her. Many of the women report head and facial injuries that are difficult to conceal and that require further withdrawal from the world. A close friend and neighbor who came, unexpectedly, to the 1974 conference held at the University of Pennsylvania, finally summoned up enough courage to tell me, after my address, that she habitually wore dark glasses, not because they were chic, but because they concealed the almost weekly bruising and black eyes she sustained from her public relations executive husband who locked her in the bathroom—out of the hearing of their children—and pummeled her face.

Machismo is more than the parading of masculinity before the admiring eyes of women; it is often a spectacle staged for the benefit of other men and masks a deep-seated yet eruptive hostility toward women.

In a seminal article entitled, "Do Women Make Men Violent?"[48] Letty Cottin Pogrebin cited a fascinating study that illustrates this little-recognized facet of machismo, apparent, however, in Mailer's fictional works as well as in his several essays.

> One of the least recognized indices of male hostility to females is the reaction of men who watch a violent act against women, rather than committing it or initiating it themselves. Three psychologists from Michigan State University staged a series of fights that were to be witnessed by unsuspecting passersby. The researchers found, to their amazement, that male witnesses, rushed to the aid of men being assaulted by either women or men, and that men helped women being hit by another woman, but not one male bystander interfered when a male actor apparently beat up a woman.[49]

My own experience in a Gestalt encounter group 7 years ago verified this Michigan experiment. This experience resulted in ambivalent if not totally negative conclusions concerning the ventilation approach in the treatment of interpersonal conflicts between men and women. Straus has recently written on this theme, pointing out that the ventilation process per se does not elevate or modify persistent

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[49] Ibid., p. 50.

[50] Straus, *op. cit.*, p. 38.

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and sexist notions of violence. During the confrontations, one of the 16 members, a woman who had submitted to long-standing abuse from her husband, challenged the leader to stop dominating and bullying her. The leader began to beat her about the head and face while the rest of the group stood by mutely. From the sidelines I shouted to the woman to defend herself, to put aside the Kleenex wads she helplessly clutched to jab at her eyes between blows. Not one of the men—even those who in prior encounters and verbalized revulsion with the macho-stereotyping culture in which they worked—moved a muscle. Finally, I could bear the assault no longer, and, leaping into the arena where the classic drama of domestic violence was unfolding, I interposed myself between the man and his victim and began to punch him, claw him, and to make loud noises of protest. After a few moments of bewildered paralysis, the young woman joined me in the attack, and within a matter of minutes, the leader stopped. It was not until several days later that I came to perceive this episode as both a personal epiphany and a moment of sharply painful insight into the social process. Although I was not then a judge, it became clear to me that the intervention of third persons as exemplified by my solitary and instinctive act of assistance does bring the violence to an end. On a more personal level, that moment, which represented my first attempt to fight back physically, had a lyrical, soaring quality unlike any other in my experience.

Straus posits as Factor II in his schema for policy implications the pervasive legitimatization of violence as a technique for conflict resolution within our culture[50] and suggests measures such as the enactment of strict gun control legislation requiring the locking up and storage of unloaded guns; Factor III encompasses the elimination of violent interpersonal relations within a family setting. Clearly, American sociologists and social psychologists should concentrate their scholarly attention upon the social dynamics necessary for the realization of these changes, but the enormity and depth of the commitment to violence as a political and a pedagogical tool cannot be underestimated.

The recent United States Supreme Court decision[51] refusing to include pupil beating by public school officials within the eighth amendment's prohibition against cruel and unusual punishments reiterates in the civilized and scholarly language of the highest legal bench of the Nation the view that immature and stubbornly antisocial conduct yields only before the threat—and the reality—of a physical beating. The Court's pronouncement is not a final dogma, since the issue it addressed was only whether the Constitution prohibited the physical abuse of children. It remains now for the American people to press upon their elected lawmakers demands for State and Federal statutes specifically prohibiting violence within an educational framework, together with a more visionary demand for a constitutional amendment delineating the human and legal rights of children. Given the failure of more than a half-century of struggle to secure the passage of the equal rights amendment to the United States Constitution[52]—an effort whose modest goal is to extend the protections of the 14th amendment to women—the potential for immediate constitutional reform seems unlikely. The political process of legislative reform in the hands of legislatures still dominated by men also does not permit unbounded optimism. The response by audiences composed of parents and educators to suggestions that pupil beating be consigned to the educational curio shop, together with dunce caps and high stools, is often near-howls of outrage at a concerted effort to "undermine" adult authority over children.

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[50] Ingraham v. Wright, 45 U.S.L.W. 4364 (April 19, 1977).

[52] For text of ERA, see Kanowitz, *op. cit.*, chapter six.

In the late spring of 1976 the Philadelphia Regional Planning Council of the Governor's Justice Commission of Pennsylvania, a reviewing board for all potential grantees seeking Law Enforcement Assistance funding for their projects, considered the merits of a proposal to establish the Germantown Women's Center, a shelter and counselling organization of the Pizzey English model.[53] A veritable donnybrook erupted despite the lateness of the hour and the extreme discomfort caused by the breakdown of the airconditioning system in the hotel room meeting site. Only the presence of an extremely effective pair of women, Dr. Ethel Allen, a black member of the Philadelphia City Council and a leader in women's issues, and myself, saved the proposal from outright rejection by a representative cross-section of male community leaders that included impeccably credentialed liberal clergymen and so-called charismatic leaders of the black civil rights movement. The males united in opposition under the banner of saving marriages and preventing illicit desertions of the hearth by heartless women. Their last-ditch argument was that the establishment of this center would lead to further violence, since the abandoned husbands would undoubtedly seek to reclaim their wives (the unconscious perception on their part that wives "belonged" to their husbands, that they were the property of the men, and that the center would somehow interfere with this property right is manifest in their arguments). By a determined filibuster that lasted until nearly 2 o'clock in the morning, we were able to muster finally enough votes to secure funding for this project. Both Dr. Allen and I noted with great interest that when the project reappeared 1 year later for review, the criticism was muted and limited to technical issues. We concluded that a widespread dissemination of information in the media concerning wife battering together with the careful documentation presented by the center had brought about this changed stance.

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[53] The Germantown Women's Center, located at 5519 Wister Street, Philadelphia, Pa., is directed by Peggy McGarry. Despite the controversial origins of the center, described in this text, the center continues to provide excellent services.

[54] Gamberino, *op. cit.* (reference 10).

The lesson is an instructive one, for we must not delude ourselves that short- or long-term support systems will be easily adopted or supported in the present cultural milieu. Once we leave the echo-chamber atmosphere of women's groups or conferences where consensus on the issue of battered women is implicit and move into a more politicized and representative arena, we are going to run headlong into acrimony, chicanery, and open, hostile negativism, shrouded under Biblical references, legal tradition, and the invocation of the notion of marital privacy. To paraphrase Gambarino,[54] the price we pay for privacy is too high, and certainly not worth advancing to shore up a decaying and antihuman notion of the marriage license as a battering license for men.

Is the Blindfolded Goddess Also Deaf?

Documentation for the legal system's response to past and present marital violence is the subject of the excellent and voluminous paper presented by Fields to this conference. Any consideration of long-term support systems must acknowledge the importance of an effective, firm, and coherent policy of prosecution against wife beaters and protection for their victims without the repetitive exercise of delineating policy and practice considerations.

Despite Erin Pizzey's view that the English law permitting injunctions against violent husbands as part of a divorce court's intervention was not worth the paper it was written on, and her 1974 statement before the House of Commons Select Committee on Marriage that "the pot of black pepper I have in my bag is greater protection to me than a High Court injunction,"[55] law can be an effective sword and shield. Susan Maidment's current excellent survey of legal response to marital violence in England and in the United States[56] presents a proposal of serious merit for an innovative approach beyond the strengthening of present statutory remedies. Maidment proposes the establishment of a public agency to assume the prosecutorial role now left to the police and the victimized women.[57]

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[55] Statement by Erin Pizzey, cited in: Susan Maidment, "The Law's Response To Marital Violence In England and the United States of America," *The International And Comparative Law Quarterly*, vol. 26, Part 2, April 1977, p. 405.

[56] Ibid., p. 434–42.

[57] Ibid., pp. 442–43.

[58] Ibid., p. 443.

Family crisis centers, in her view, should encompass not only medical, counselling, housing, emergency and long-term social assistance, but legal staffs as well, empowered to initiate and obtain civil remedies on behalf of battered women. While acknowledging the difficulties inherent in the establishment of such an entity, Maidment also advances the interesting suggestion that an administrative agency on the model of race relations commissions (or human relations commissions as in their current nomenclature) undertake the ferreting out of pervasive, hidden pockets of violence and use all informal and formal processes available to them for their resolution and long-term eradication.[58]

The usefulness of the commission approach in confronting deeply imbedded, long-standing patterns of social injustice is a self-evident fact of American modern experience. Clearly, a convocation called by the United States Commission on Civil Rights exhibits more than mere *politesse* towards its host if, in the course of its proceedings, it suggests that the Commission approach be part of a multipronged, many-tiered public policy on battered women. The tactical advantages of the use of trained investigators are self-evident; the prestige and institutionalization of an antiviolence stance and the implicit declaration of illegitimacy for intersexual conflict by the formulation of such a commission are easily discerned if one looks at what such commissions have been able to accomplish in the area of race relations. One cautionary note seems necessary. It is not, in my judgment, wise to dump upon the already overburdened commissions on the status of women the new set of responsibilities and concerns implicit in the Maidment proposal. The commission should be a distinct and unique entity and should perhaps be part of a municipal or statewide network of services for battered women that includes the legal counselling centers, shelters, day-care and half-way houses Maidment and others have proposed.[59]

A pot of black pepper may have greater short-run efficacy than a mass of black words imprinted upon official legal paper but the recent protection-from-abuse acts that have resulted from the politicization of battered women's issues by the women's movement are here to stay and take their rightful place in a humane jurisprudence. The Pennsylvania Protection from Abuse Act,[60] enacted during the 1976 session of the legislature, has been a helpful tool in the widespread campaign against familial abuse. Although one will not find it in the penal code, but in the health and safety title of Purdon's Pennsylvania Statutes, it is clearly quasi-criminal in nature by its very language, since undefined terms are intended to be supplanted by reference to the crimes code contained in Title 18 of Purdon's.

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[59] Ibid., *vide supra.*

[60] Pa. Protection From Abuse Act, 35 Ps. 10181 *et seq.*

[61] Sharon Kaplan Wallis, who argued the Vorchheimer case before the United States Supreme Court, has become the head of this newly created division. According to a news article in the *Philadelphia Inquirer*, Jan. 5, 1978, "Rendell said the unit [the one referred to in this paper] would treat violence in the family as 'serious crimes' that should be punished, and will be prosecuted." *P.I.*, Jan. 5, 1978, p. 3–B.

Furthermore, the passage of this statute and its serious implementation by the Family Court Division of the Court of Common Pleas of Philadelphia has triggered supportive official responses from both the police department and the district attorney's office. Ending the tradition of trivialization of this issue, the newly elected District Attorney of Philadelphia, around whose campaign significant feminist support rallied, created as one of his first acts a wife abuse division co-equal to the more traditional divisions of that office, and placed an able lawyer steeped in feminist issues in charge.[61]

Myres McDougal,[62] whose brilliant decade-long collaboration with Harold Lasswell and others resulted in a coherent theory of law as the embodiment of the highest ordering of human values, taught countless numbers of law students not to undervalue the importance of changes in the legal superstructure, and to press for change rather than to be mired in the cataloguing of past evil or passivity. He once wrote that one does not cleanse the Augean stables by taking inventories of their contents. Women, perhaps thanks to their historic destiny as housecleaners of male messes,[63] have eschewed the task of inventorying and have instead indeed begun the cleansing process.

A Final Meditation of Therapies and Meditation

Meditation, which shares a common etymological root with medicine, is a high therapeutic device; as exponents of current meditational processes point out it is a natural human function largely discouraged by the systematic brainwashing endured by both men and women in the world of everyday affairs. To think about the realities and implications of the current help-modalities advanced for battered women and their feasibility in terms of long range support systems must then be the most perduring and vital concern of this convocation.

My appeal to Jennifer Fleming[64] for assistance in researching this paper resulted not only in an immediate and generous outpouring of reprints, abstracts, and the like, but in the communication headed, "Some Thoughts" (Jennifer, too, meditates), that I found pithy and profound. She wrote as her first thought:

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[62] For a published application of Myers McDougall's approach, see his casebook, *The Law Of Real Property*, Michie: Charlottesville, Va., 1948.

[63] Cf. a clever quatrain by Mary C. Davies: "Women are doormats and have been/The years these mats applaud/They keep their men from going in/With meddy feet to God." Cf. *Myth America*, ed. Judith Papachristou, Pantheon: New York, p. 149.

[64] Jennifer Fleming, "Some Thoughts," unpublished communication to the author, December 1977.

[65] Phyllis Chesler, *Women And Madness*, Avon: New York, 1972.

> Long-term emotional support is necessary for battered wives because of the emotional crippling and resulting paralysis, the inability to change her situation, etc., living in a constant state of terror for long periods of time.

Can conventional psychotherapy provide this kind of long range emotional support system? Recalling reported dialogues between husbands and wives and psychiatrists in which the therapist seeks to establish that the reason the husband did not stab his wife but limited himself to systematic battering lay in an implicit nonstabbing contract between them, pessimism is an immediate response to this query. The misogynist biases of the classic Freudian approach have been mercilessly scrutinized since they were first laid bare by Karen Horney, yet it is only recently that the interrelationship between the psychiatric victimization of women brilliantly portrayed in Chesler's *Women and Madness* [65] and the physical brutilization of women has been a subject of serious discussion.

Rice and Rice in a seminal article on the implications of the women's liberation movement for psychotherapy[66] mince no words in evaluating the present-day therapeutic scene in its response to the role change and reversal occurring in American society and the newfound voices of women victims:

> Recent papers by Mitchell, Rossi, Brown and others have put forward varied alternatives to the family. . . .The reaction to these proposals and innovations has been less than favorable among many mental health professionals; it has been even hostile. Some see the difference between the two sexes as disappearing at an alarming rate and conclude that many societal ailments stem specifically from the lack of clear sexual roles. Even as eminent an author as Erikson insisted on the stereotyped precept of womanly fulfillment: A woman "harbors in 'inner space' destined to bear the offspring of chosen men and with it, a biological, psychological and ethical commitment to take care of human infancy." This view can be seen in actual practice in Boston, where women are denied entrance to a mental health training program if they work fulltime or have a pre-school child. And the president elect of the American Academy of General Practice, addressing the Wisconsin division, was quoted as asserting that a woman is preferable as a physician's aide because she is more obedient and is taught to be subservient to doctors: "This role is suited to a woman."[67]

With exemplary courage the authors then proceed to state that part of the medical establishment's resistance to change lies in the quantum of power and prestige enjoyed by therapists under the old status quo, and "the inherent social or personal gains he may accrue in resisting change." Women's demands for equality may "form a distinct threat to the therapist's sense of social power"; furthermore, the "traditional blank-screen, silent approach favored in the analytic, therapeutic mode is particularly conducive to fostering regression, dependency, and distortion: it often serves as well to maintain the inscrutability and superiority of the therapist."

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[66] Joy K. Rice, Ph.D., and David G. Rice, Ph.D., "Implications of the Women's Liberation Movement For Psychoanalysis," *American Journal of Psychiatry,* 130:2, February 1973.

[67] Rice and Rice, ibid., p. 6.

[68] Erin Pizzey, *Scream Quietly Or The Neighbours Will Hear,* Penguin: London, 1974.

The triad, regression, dependency, and distortion, are the characteristic stigmata of battered women.[68] The nurturing of this triad through the use of classic psychiatric approaches clearly represents an antitherapeutic approach, destructive and devastating to the battered woman.

Nor do traditional social-work or milieu-therapy approaches offer better alternatives.

> To cite another example, the client centered approach, which emphasizes a non-judgemental, unconditional acceptance of the individual, can crucially fail the woman who comes to therapy goalless, indecisive, lacking identity, inspiration, or simply the information needed to search out new personal modes or solutions.[69]

At the moment, the most immediately accessible and financially feasible therapeutic interventions available to women are the women's centers that have sprung up throughout the United States and Great Britain, although France, Spain, and Italy—classic machismo cultures—are becoming aware of the need to provide therapeutic short-term and long-term services to women. These centers share the Rices' view of the therapist as "a knowledgeable, active participant in the therapeutic process," and his or her training and experience as needing "to reflect those new values and emerging societal trends."

Given the traditional economic dependence of battered women, it is vital that all long-range emotional support systems be publicly funded; for there is no way that women in this situation can possibly afford classic psychotherapy where present hourly rates begin at $40. Moreover, where the wife decides to stay with the marital partner, similar counselling services on a public basis should be available to couples. The use in the preceding sentence of the adjective "marital" and its recurrence throughout this essay represents the broadest word usage possible, since by the term I do not mean legally licensed marital relationships, but all long-term partnerships between men and women that may, or may not, result in offspring.) It is important to stress that the counselling must be of long duration if the necessary interplay for the building of a new relationship is to occur.

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[69] Rice and Rice, *op. cit.*, p. 8.

[70] My 6 years of judicial experience, involving over 1,150 cases, confirm that judicial monitoring may often be a positive and therapeutic force.

Whether or not such couple counselling should be under court order will depend on the degree of acceptance and cooperation by the offending partner. My own experience runs counter to the oft-repeated cliche that one cannot enforce by court order changes in personal relationships or intrapsychic mechanisms or habits. Where the judicial monitoring is conscientious and impartial, the referral agency appropriate and diligent, and a good three-way rapport exists between court, clients, and agency, the results will be beneficial and even beyond expectations of all three.[70]

Simplistic, mechanistic referrals, therefore, to therapy for battered women may be more damaging than helpful. An important implementation of the public policy of protecting such women will include the training and funding of the appropriate constructive therapeutic support systems necessary to enable women to regain their resilience, their sense of self-worth, and their courage to confront themselves as full persons and to demand their recognition as such by the broader society.

This sense of self-honesty that should be the goal of all therapy was recently brilliantly summarized by the French actress, Catherine Deneuve, whose portrayal of the converse confusion of women in *Belle de Jour* is a film classic:

> The thing I admire most in people, men or women, is *rigeur* — people who have the force of their convictions. Someone who really does what he says, who actually lives the way he says he believes. It is the opposite of compromise.[71]

Long-term therapy should have as its goal the fostering of *rigeur*, not compromise.

A Final Declaration

I am often asked when I am invited to lecture on women's themes if I shall need equipment for visual aids. My inevitable reply is that my visual aid is the entire culture, and the only equipment I require is good sensory perceptors and thinking minds on the part of my audience. In considering long-range support systems for battered women I have eschewed the shopping-list approach and tried rather to focus on key areas of social and human organizations to explore ways in which the family, schools, courts, therapeutic agencies can be reorganized to provide long-term support systems that will not be underpinnings for decay but foundations for new growth structures.

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[71] Catherine Deneuve, interview in *Viva*, October 1977, pp. 78–79.

As this conference pulses forward to action on the crest of a new wave of understanding and strength generated by the recent Houston meeting, it seems appropriate to invoke the voices to two of America's most extraordinary woman poets who understand clearly that the ultimate long-range support systems for battered women must be found both in women themselves and in a reordering of the social structure that impinges directly and uniquely upon their lives.

The first delineates clearly the hostility and ambivalence of a patriarchally oriented society and its refusal to recognize women's full humanity:

"AND WHERE ARE THE WOMEN POETS?" A Reply

this woman is no moon;
what you see, she owns
and more;
pain, fruit, visions
push between her legs
into the mexican streets,
into office building mail slots,
into musicians' beds
and political strategy meetings;
she plies them on altars,
fills her daily coffin with them,
celebrates easter
at every opportunity
with candles, bread, red eggs;
she owns her laughter
her incest, her grief;
owns portions of her compassion,
of all the hands she ever held.
of all the vagabonds, tramps,
magicians, gypsies, jokers,
wanderers, all the blessed
who ever sought the garden;
owns constantly, every second,
over breakfast, in the car,
at the ocean, through the windows,
in the music, with the madmen,
in the churches,
at the desk,
at the well,
the wonder at why blood isn't blue,
a color to ward off the evil eye;
owns the mirror, owns the labor,
owns the fever,
the pain of labor,
the ecstasy
at bearing illusions,
the necessary child.
still, men stop her in the street

to pummel her womb
and ask angrily
why she will not give birth.
Rosemary Catacalos

The second, a fragment by Adrienne Rich should be the template for this conference and for the constructive work it will catalyze:

Choosing ourselves

each other
and this life
we stream
into the unfinished
the unbegun
the possible.
Adrienne Rich

*Response of Bok-Lim Kim**

It gives me pleasure to respond to Judge Richette's paper, with which I am in general agreement. I am heartened to note Judge Richette's assessment that the women's movement is moving beyond a ". . .focus on the careerist and professional aspirations of middle-class, intellectually gifted, upwardly mobile women" to the "role of married women." However, I would like to emphasize two additional perspectives in dealing with the problem of battered women. First, I would like to examine the condition of third world women in the United States (women who are blacks, American Indians, Chicanas, Puerto Ricans, and Asian and Pacific Americans); second, I would like to review Judge Richette's paper from the perspective of the social work profession.

Although the similarities between racism and sexism in terms of oppression, powerlessness, subjugation, and denial of personhood have been well recognized, the women's movement and the minority groups' struggles for equality have not coalesced to work toward a shared goal. The reality is that women and minority groups have often been pitted against each other in competing for meager resources in employment and government funding for programs and services. The result has been divisiveness, and each group has been suspicious and mistrustful of the other.

For this reason, I think it is important for this consultation to give serious consideration for the third world women's perspective toward sexism and physical abuse in particular. In this connection, the minority women's caucus of the 1977 International Women's Year Convention has issued the following statement:

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> Minority women share with all women the experience of sexism as a barrier to their full rights of citizenship. . .but institutionalized bias based on race, language, culture and/or ethnic origin. . .have led to the additional oppression and exclusion of minority women and to the conditions of poverty from which they disproportionately suffer.[1]

This double discrimination results in such phenomena as

> . . .involuntary sterilization; monolingual education and services; confinement to low level jobs; confinement to poor, ghettoized housing; culturally biased education, psychological and employment testings. . .government's failure to gather statistical data based on sex and race so that the needs and conditions of minority women may be accurately understood.[2]

Although statistics on abused women among minority groups are as difficult to obtain as they are for majority women, it seems safe to assume that the incidence of physical abuse among minority women will be found to be greater. This is based upon two assumptions: first, the greater the stress, the greater the likelihood of physical violence, at least in contemporary American society. Second, racism is a significant and major stress factor that affects minority males and females, but not majority persons. I would venture a guess that existing centers and services for abused women are seriously underutilized by third world women. We must raise the question of why this is so.

Do minority group women suffer less physical abuse? Do they have more stamina than majority group women to withstand the physical abuse? Do they have an unidentified system of support that sustains them in abusive situations? Or is it possible that existing services fail to reach them?

Today and yesterday, we have been talking about scant resources for a variety of programs such as economic and job skill development, child care, legal assistance, medical care, and crisis intervention and counseling for abused women. One can use inadequate resources as an excuse for our present failure to work with minority group women. I would like us to go beyond such a pat rationale and examine our own failure to elicit participation of third world women in our common struggle for equal rights and services. The basic questions to be asked among ourselves are these: will civil and criminal law related to spouse assault equally protect minority group women? What about those who

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[1] National Women's Conference, "National Plan of Action" (adopted at Houston, Texas, Nov. 18–21, 1977), pp. 19–20.

[2] Ibid., p. 20.

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live in common-law relationships? Does the law enforcement equally protect minority group women? Is police intervention in domestic violence as quick and effective as in the case of a white family? How do the crisis centers and allied services respond to Hispanic and Asian and Pacific American women who cannot communicate with monolingual staff and monoculturally oriented programs?

The short response time does not permit me to discuss fully the specific needs and problems that are common, as well as unique, to each group of minority women in the United States. But as an example of the difficulties of some of these women, I would challenge this audience to tell me what they know about the plight of those Asian wives of U.S. servicemen who are physically abused and isolated? There are about 200,000 Asian women in this country who married U.S. servicemen overseas. Obviously not all of them are abused; on the contrary, some of them are quite happy. But we do not have the necessary statistics to enlighten us about the extent of wife abuse among such couples. According to Asian ethnic workers and military chaplains at military bases, there is a high incidence of wife beating among military husbands. The fact of the matter is that these women cannot use the existing women's shelters and services because of the language and cultural barriers that exist. While I am genuinely encouraged to see constructive responses for abused women gaining momentum in this country, I am alarmed that these responses do not include minority group women or their needs and problems.

The challenge that remains is "how" we can work together to be responsive to the problems of women abuse, which includes minority group women, because accusations and blame get us nowhere. I would like this consultation to raise the consciousness of the majority women so that the concerns of minority women also become their concerns. Otherwise this commendable activity may become another case of special group advocacy that, in its insensitivity and nonresponsiveness to minority women, simply serves to perpetuate racism.

In examining the recommendations presented in Judge Richette's paper from a social work perspective, we must focus on two major areas: funding and the provision of emotional support. These considerations are very important if we are to arrive at a clear picture of the realities of delivering services to abused women.

First of all, the present system of "soft" funding places programs for battered women in a very precarious position. Funds are generally allocated on a time-limited basis by State or Federal agencies; as these "seed" grants expire, agencies are forced to rely primarily on local funding for their support. However, local government bodies have only limited funds available for social services; in addition, some guidelines for the use of Federal revenue sharing funds by county governments preclude their use in funding programs for battered women. The instability of funding for programs for battered women makes it impossible for agencies to embark upon long-range, deliberate planning that would lead to stable, comprehensive programs.

Moreover, the uncertain fate of many programs or portions of programs raises an ethical consideration: it is unacceptable to raise the expectations of women that there will be services avilable to them and then to remove those services. A women who seeks help places herself in great jeopardy; she is in even greater danger if, having left home to seek help, she finds that none is available because of funding cutbacks. Finally, to continue the uncertain financial position of programs for battered women is to perpetuate the feelings of helplessness experienced by battered women.

Second, in considering the recommendations presented in this paper from a social work perspective, we must consider the nature of the supportive services to be offered. Two points must be raised here: the orientation of the therapists and the involvement of men in the therapeutic process. First of all, Judge Richette rejects conventional psychotherapy as being subject to "misogynist biases of the classic Freudian approach" and cites the resistance to change that is often found in the current, male-dominated therapeutic establishment. However, there is also a risk involved in choosing a "feminist" approach to treatment, an equal possiblity that bias will intrude into the process. It is possible that we may create an "echo chamber mentality" about therapy if only females, and only a particular approach, are included in emotional support offered to women.

Second, in those instances in which the woman chooses to remain with or return to her partner, the therapy provided must be mutually supportive of the two of them. We must move away from an adversary orientation toward a more collaborative effort: we must develop male consciousness raising groups and treatment programs for men who have been involved in battering women. If we do not make a concerted effort to change male attitudes toward women and to alter their behavior toward them, then we will always be treating symptoms. Although it is certainly true that we must give priority to providing services to women who have been battered, we should also seek to reduce and eventually eliminate battery, a goal that we can achieve only by effecting changes in male attitude and behavior.

Finally, it is important for any therapeutic process to include the development in women of realistic, healthy attitudes toward males because of the impact of prior battery and their responsiblity to deal with their children, who have also been traumatized by domestic violence within their home. Therefore, the children should also be included in the therapeutic process so that attitudes and behavioral patterns they have observed in their parents do not become a part of their own behavioral repertoire as adults.

The social work perspective, then, must not fall into the mistaken stereotype of the nonjudgmental, passive, client-centered approach, which focuses only on the individual. The social work perspective must consider the entire spectrum of issues and relationships confronting the battered women and must provide the broadest possible range of supportive services that will enhance the woman's ability to take control of her life in a manner that will ultimately be healthiest both for her and for her children.

Response of Lisa Leghorn[*]

Grassroots Services For Battered Women: A Model For Long-term Change[†]

In discussing the long-term needs of battered women, I think it is important to begin by examining just what it is about the short-term support services that have been developed that makes them so effective. In the past 3 or 4 years, women around the country have created models for providing shelter services, hotlines, and support groups that have been so effective that hundreds of thousands of women have transformed their lives of degradation and humiliation. This is not to say that all the needs of women who have received these grassroots services have been met, the issue that I will address in the second part of this paper. Yet grassroots groups, on shoestring budgets, have brought the problem to public light and demanded that it be addressed, and provided a variety of services, from shelters, hotlines, and support groups to legal advocacy programs and the development of informational brochures and handbooks on the legal rights of battered women. This model, when translated into long-term policy, can provide the basis for the work that is necessary not only to protect and provide options for battered women, but to end the problem itself.

Short-term Support Services

Most short-term support services for battered women have addressed in their programs and goals four primary needs:

1) Breaking through the immense isolation and sense of aloneness that battered women experience;

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[*] Staff member of Transition House, a shelter for battered women and their children, in Cambridge, Mass. Leghorn has done extensive research and writing, and is co-author of *Houseworker's Handbook*, an analysis of women's social and economic position in the home. She has worked in community education and outreach, and co-founded the Battered Women Action Committee for policy reform.

[†] Many thanks to Katherine Triantafillou, a Boston attorney actively involved in work with battered women, for her help with this paper.

2) Providing support and encouragement in dealing with their situation;

3) Providing immediate, safe shelter in a warm and terror-free environment for women and their children who are in fear of their lives or have no other options to escape the abuse; and

4) Providing the necessary information, referrals, etc., to sources of legal, medical, financial, employment, housing, etc., help when these services are not offered by the program itself.

What makes these programs so effective are the principles behind the services and the way in which they are offered by grassroots feminist organizations. The ideology behind the services contains within it the process that is necessary for creating change in the lives of the women who are directly affected by battering, and within society as a whole.

Perhaps the most significant aspect of this ideology is the recognition that battering does not take place in a social vacuum. The tremendous numbers of women who are battered and police officers who are injured or killed when responding to domestic violence calls do not alone account for the inadequate, insensitive, and often hostile police response, not to mention the insensitivity and hostility of the courts, social service agencies, and other "helping" professions.[1] As Mary Metzger has illustrated, ". . .in a system controlled by men, the abuse of women is not considered a problem."[2]

Woman abuse takes place in a societal context in which women as a group are economically, socially, and politically disenfranchised. The general power relationship between men and women as a group is institutionalized and perpetuated in the family unit, which has historically been used as a form of social control of women. The Dobashes have pointed out that under early Roman law, ". . .husbands and fathers could put a woman to death without recourse to a public trial." According to English common law, ". . .the husband should not inflict any injury upon his wife except '. . .in so far as he may lawfully and reasonably do so in accordance with the right of a husband to correct and chastise his wife'."[3] Although the Roman law was, in fact, seldom carried out, it highlights an institutionalized power relationship between husband and wife that *could* be used by the husband to control her. The fact that men held this power by definition acted as a form of control over women.

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[1] The problem is more deeply rooted and affects many more persons than the estimated 28 million married women in this country who have been battered at some point in their married lives (Langley and Levy, *Wife Beating: The Silent Crisis*, Dutton, New York, 1977). Over half the married women in this country—of all racial, religious, and economic backgrounds—have experienced physical abuse at the hands of their husbands (ibid.). This crime is less often reported than any other crime save perhaps that of sexual abuse of children (where 98 percent of the cases go unreported, according to Karen Lindsey, "The Roots of Incest," *The Real Paper*, Nov. 26, 1977). More than half the police officers killed annually in this country, and the majority of those injured, are in the process of responding to domestic violence calls (Commander James Bannon, Detroit Police, paper presented to the Connecticut Advisory Committee to the U.S. Commission on Civil Rights, informal public hearing on Battered Women, Hartford, Conn., Sept. 26, 1977).

[2] Mary Metzger, "What Did You Do To Provoke Him?" included in Battered Women Materials, available through Leghorn and Warrior, 46 Pleasant Street, Cambridge, Mass. 02139.

Similarly, the institution of violence against women in this country acts to influence, control, and repress the behavior of all women. If we know that men in this country can batter their wives without retribution from the criminal justice system, then we know that they have been given this power. If some men choose not to exercise this power, it is not because it is not available to them. An illustration of this is Bannon's statement that the rate of assaults upon women by former husbands or boyfriends is treated as lightly as those between current husbands and wives because: "As in all power relations, the dominant individual dictates the terms of the relationship. . . . [This] property claim is valid so long as he, the property owner, says it is and invalid [only] when *he* relinquishes actual and emotional control."[4]

The fact that one woman can be raped, and in this country one out of three women will be raped in their lifetimes, means that any woman can be raped at any time. The fact that nearly 9 out of 10 women responding to a survey had received unwanted attentions on the job,[5] and that society ignores or jokes about such behavior, means that our culture has condoned the sexual harassment of vast numbers of working women by individuals or other employees of institutions upon whom they are economically dependent, and are forced to acquiesce or lose or quit their jobs. One out of four women in this country are sexually abused before the age of 18,[6] 75 percent of the time by someone they know[7] and 38 percent of the time by a family member,[8] upon whom they are often socially or economically dependent and against whom they have virtually no social or legal recourse. The list goes on and on.

I have mentioned such forms of violence against women for two reasons. One, to help explain why these mechanisms of social control of women will not easily be recognized, not to mention validated and addressed by a male-dominated system of government. Secondly, it is essential that we properly recognize and identify the societal context that is responsible for such widespread degradation—a context of culturally sanctioned violence against women that is both a tool and reflection of women's oppression. Husbands say wives provoke the violence without looking critically at what they consider to be provocation—any incident in which *she* oversteps the boundaries that *he* has had the power to define and enforce. Social service and counselling agencies have called her a masochist, saying they could do nothing for her, without recognizing that it is theirs' and others' lack of response that traps her in the violent situation.[*]

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[3] R.P. and R. Emerson Dobash, "Wife-Beating: Past and Present," Department of Sociology, University of Stirling, Stirling, Scotland.

[4] Bannon, ibid.

[5] Alliance Against Sexual Coercion, "Sexual Harassment at the Workplace," P.O. Box 1, Cambridge, Mass. 02139.

[6] Leghorn, "Violence Against Women: A Cross-Cultural Feminist Perspective," included in "Wife-Battering," available through AFSC—Women's Program, 2161 Mass. Ave., Cambridge, Mass. 02140.

[7] Ellen Weber, "Sexual Abuse Begins At Home," *MS.*, April 1977.

[8] 1967 American Humane Association Study, quoted in *Boston Globe*, article by Beth Dunlop, "Incest. . .A Problem Nobody Talks About," Apr. 25, 1977.

Grassroots groups, in their very structure and the nature of their services, have said clearly to battered women: It is not you that is sick. It is our society which is responsible, in its structure of sexual domination, for condoning and perpetuating this behavior and the institutions that sustain it.

Women have been told by the police, social service agencies, courts, etc.: "What did you do to provoke him?" "He must love you very much for you to evoke such strong feelings in him." "Why don't you go back and patch it up? How will you support yourself and the kids without him?" These statements which imply that reality is different than she knows it to be establish their version as the norm and compare her behavior to it. By not admitting the truth of her perceptions and the importance of her choices, they often make her feel "crazy"—insecure, inadequate, that it is somehow her fault that he is doing this to her and that no one is taking it seriously. After too many such encounters, she begins to wonder if she isn't crazy after all. Her anger at her treatment by her husband and the institutions that are not helping her is not supported as a healthy response to her situation, but is actively punished. Slowly she learns to turn it inwards where it breeds depression and its resulting inability to believe she can change her situation.

When a woman first comes in contact with a shelter group, the most refreshing and powerful aspect of her encounter is that her experience is *validated.* This is something that, as a woman, she may never have known or experienced. Not only does she feel a tremendous sense of relief, but of empowerment. If her perceptions of reality have in fact been accurate as she initially thought, then her ability to change that reality becomes a possibility.

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[*] People are now becoming more sophisticated in their antiwoman attitudes. Originally, it was believed that women are inherently and biologically masochistic. Now it is supposedly the process of socialization that has made us so. This attitude parallels the "evolution" in thinking about racial issues: Third World people, not so long ago, were considered by the dominant white ideology to be biologically inferior. Now it is their inadequate education, lack of options, etc., that is said to have made them socially inferior. These more sophisticated forms of blaming the victim for her own oppression continue to serve to absolve those in positions of power of their responsibility in this victimization, which has devastating effects on the victim.

By sharing her experience with other women, whether in support groups, over a crisis line, or in a late-night discussion in the shelter kitchen, she makes a first step toward taking control over her life. When that step is validated through another woman's account of her own experiences with battering, difficulties finding housing, or supporting herself and her children on a meager welfare check, she realizes that she has not been alone in her vulnerability. To think that she is alone in her nightmare is to feel overwhelmed by all that she is fighting and, ultimately, to feel completely powerless to change any part of her life. But to realize that many of her experiences have been shared by other women is to begin to place the responsibility for the crimes committed against her in their rightful place, which then opens up a vision and a hope that there might be another way of living. This vision is also essential for action.

Peer counselling, whereby the "helper" identifies with the "victim," constitutes a fundamental transformation in the way services are perceived and offered. No longer is a supposedly helpless, dependent, ignorant, and masochistic client coming to seek salvation from a supposedly mature, wise, and all-knowing counselor who is often condescending and disdainful, if not outright hostile. (The counselor, coincidently, has a vested interest in disassociating her or himself from the situation, not recognizing the similarities in their own experiences.) Even if the counselor were extremely sensitive, the very structure of the interaction fosters a sense of powerlessness on the part of the client.

The self-help philosophy that is practiced by most shelter groups constitutes in its content and its process an active support of each women's empowerment. Women are encouraged to develop the emotional tools and survival skills that will enable them to continue taking increasing control over their lives. Each step a woman takes in a support group, over the phone, or in a shelter has been designed by her own hand. Although she has received validation, support, and the information she needs to make a well-informed decision from external sources, she has assessed and evaluated her situation and defined her direction by herself. This explains why such a large number of women who have stayed in shelters go on to attend schools, job-training programs, and make great changes in their lives that they never before had thought possible. It also helps to explain each woman's commitment to helping other women in similar situations, whether by accompanying a new woman in the shelter to court or legal aid or by doing public speaking. Ultimately, each women says to another that this kind of transformation in their lives is not only possible, but also necessary.

Parallels With The Antirape Movement

The history of the movement against women abuse has closely paralleled the antirape movement in three ways: our analysis of the source of violence against women; the traditional response to violence against women by the criminal justice system and social and governmental agencies; and the nature of the grassroots response. In both movements, the grassroots groups have exposed the nature of power relations between men and women and the institutions that sustain those relations. They have also developed an alternative, self-help response that has been so effective that it has been imitated by some of the very same institutions that had formerly been so antagonistic to rape and wife abuse victims.

However, incredible damage can be wrought if the nature of legislation and funding is not grounded in the needs of the women who have been raped or physically abused and in the principles of the groups who have been helping them. The success of the grassroots model has been overshadowed in the antirape movement by the nature and development of governmental response. Grassroots antirape groups have labored many years to bring a consciousness of the magnitude of the problem to the public eye and to work towards freeing up monies for services. Yet a significant amount of the funds allocated for antirape projects have gone to "experts"—professionals who have been notorious for changing the focus of their work and the social problems they deal with as the flow of monies changes, and academic researchers, most of whom have previously had little or no direct contact with rape victims or the groups providing them services. The grassroots groups have an understanding of the problem that no researcher can get from facts and figures, because they have been dealing day in and day out with rape and its ramifications. But these groups have received neither recognition nor the funds necessary to adequately continue their work; i.e., enough salaries and operating funds to provide around-the-clock crisis intervention services by paid workers rather than volunteers.

Although their commitment and expertise has been clearly demonstrated, volunteers cannot practically devote themselves full time in their work. Consequently, they are usually not able to respond as quickly or follow through as thoroughly as a paid worker could. Another major problem with largely volunteer rape crisis centers (as well as shelters) is that they limit the possibility of participation by poor, working class, or Third World women and mothers. Most low-income and Third World women, due to the combined effects of sexual, racial, and class oppression, share little of the privilege of extra time or money enjoyed by white middle class women without children and consequently must be paid a salary for their work that is adequate to their and their children's needs. Others who may have the time to volunteer usually choose not to put their energies into white-dominated feminist projects. At rape crisis centers (and shelter groups) not isolated in white middle class suburbs, women of all racial and class backgrounds will call the crisis line or shelter. They must be able to talk with their peers in order not to feel as invalidated by a white middle class space in the alternative service group as they have felt in seeking help elsewhere.

Another problem of the antirape movement that we in the battered women movement are already facing is that of cooptation, whereby the guidelines and strings attached to the monies that are made available are deeply embedded in a philosophy of service that is antithetical to the healthy response embodied in the grassroots model. Groups receiving these monies either already exercise a nonpeer, non-self-help philosophy, or are forced in the funding process to change their working principles. This results in extremely inadequate short-term services and stagnation in the very heart of the service groups themselves, which does not lay the groundwork for the necessary long-term changes (see Lopes and Roberts).[10] For example, Community Services Administration funded a CAP agency in Milwaukee that is slated to establish a shelter for husbands along with wives and children. This was done without consulting the more than 2-year-old feminist Task Force on Battered Women, which has been struggling for funds to open a shelter in the same city. LEAA guidelines also contain strings that violate the principles of most shelter groups, who consequently have not applied for these funds.

Funding The Battered Husband Myth

Perhaps the most blatant example of misallocation of funds is the NIMH-funded research on domestic violence by Suzanne Steinmetz. In highly publicized preliminary findings with unpublished data that is not available for critiquing, Steinmetz has alleged that wives are as violent towards their husbands as husbands toward their wives. There are great problems in Steinmetz's misleading summaries and descriptions of published research findings. Her illogical and contradictory reasoning, and biased and selective citation of supporting evidence, have fortunately been refuted by Pleck, Pleck, Grossman, and Bart.[11]

However, I would like briefly to discuss the methodology used by Steinmetz and by Straus, in another study whose data Steinmetz relies upon. It has long been a criticism of academic research that the isolated, university ivory tower is an inappropriate locus for research on the rest of society. In this instance, I would add that it is exceedingly difficult to *view objectively* how the male-oriented and centered world we live in has distorted reality, when one is living and working in the midst of one of the factories that churns out these very same distortions. The Dobashes have pointed out that: "Research and 'fact collecting' conducted in isolation and abstraction will fail to reveal the essence of social problems and to provide direction for their amelioration."[12] Their methodology stands in refreshing contrast to that of most academic researchers, and they have discussed the ways in which they have worked closely with women who have been battered and the grassroots groups assisting them, and the ethics surrounding the choice of one's work, methodology, and the ways and purposes for which this work is used.

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[10] Carole Lopes and Patti Roberts, "Battered Women: Who Will Define the Solution?" *NCWO Newsletter*, P.O. Box 125, Cambridge, Mass. 02139.

[11] Suzanne Steinmetz, "The Battered Husband Syndrome," and Pleck, Pleck, Grossman, and Bart, "The Battered Data Syndrome: A Reply to Steinmetz," both appearing in the Winter 1978 issue of *Victimology*.

Neither Straus nor Steinmetz in their research have considered whether the violence used by either party was in self-defense. This represents an inexcusable oversight, since most women who have been violent towards their husbands have done so only as a last resort, in self-defense against long-standing terror and abuse from their husbands. In reading Steinmetz's paper, it becomes increasingly apparent that she has accepted without question men's view of their marriage history, which helps to explain why she could "overlook" the issue of self-defense. She cites husbands' inability to support two families and unwillingness to leave behind home improvements for reasons "why husbands stay in situations of domestic violence." Clearly, she has not talked to or considered the experience of wives who talk of being treated as total slaves, forced to do these very same home improvements. Nor has she looked at the alimony or child support statistics, which show that, in 90 percent of the cases of child support, payments stop before the child is self-supporting.[13],[14]

Steinmetz's study raises for me serious pragmatic and ethical questions. First of all, who *are* the experts? Since it is so clear that such research must be conducted with extreme sensitivity and a thorough understanding of cultural norms grounded in everyday experience, I strongly believe that the experts are, first and foremost, the women who have been dealing with the problem on a daily basis (see Pagelow).[15] If an academic researcher does receive funds for research on domestic violence, it should be conducted, as the Dobashes and Pagelow have so sensitively done, in collaboration with the real experts—battered women. Second, who will receive newly available funds that shelter groups have worked so hard to free up? Will they go for direct services that are so badly needed or research to study the victims? We already know that the problem is devastating and widespread, and I believe that monies for research should be extremely limited and allocated only insofar as they will be useful in responding adequately to the problem, on both a short-term and long-term basis. Finally, what should be the role of the researcher with respect to such devastating social problems? Steinmetz's study has already placed in jeopardy the funding of shelters for battered women. Trendy and sensationalist journalists are reporting in articles all over the country that husbands suffer more domestic violence than their mates, and the NIMH funding of Steinmetz's work is giving it more credibility. Though Steinmetz pretends a concern for "the more global problem of family violence" and states that, "It is critical to shift at least some of the blame from individual family members to basic social/cultural conditions," she has ignored those very conditions that have distorted her research. Pagelow has pointed out that simply to look at the family as a whole ignores women's status as a group in society.[16]

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[12] Dobash and Dobash, "The Role of the Sociologist in the Struggle of Women Against Repression,"

[13] Betsy Warrior, "Battered Lives," *Houseworkers Handbook*. Battered Women Materials, ibid.

[14] This blind acceptance of the male perspective is even more aptly illustrated by Steinmetz's discussion of cartoons, the majority of which depict "oppressed" and "abused" husbands, as a reflection of cultural norms (which she contradicts later in the paper). She doesn't stop to ask herself the sex of the cartoonist or the ways in which such depictions are popular precisely because of their propagandistic value in support of the dominant male ideology. Cartoons, just as the rest of the literature and the media which is produced by a male-dominated communications system, reflect not reality, but men's interpretation of reality. Men's perspective is riddled with projections of their fears about their masculinity, our culture's generalized ridicule of women and the role we have been forced to play through outright repression as in the case of physical battering and the lack of options made available to us in the society as a whole. The effect of such comics as well as such research should not be underestimated. They influence and reinforce cultural norms and serve to keep women in line through their ridicule of women in other roles, especially portrayals of strong independent women.

As Susan Schecter wrote in a letter to Steinmetz, "Your 'even-handed' research gives people the opportunity to quibble over numbers and allows them to ignore the real suffering and lack of alternatives in women's lives."[17] This lack of academic and journalistic integrity raises for me the additional question of whether our societal goal is the eventual transformation of those forces and institutions that foster and perpetuate men's violence against women. Or is it the personal aggrandizement and profitmaking of those journalists, researchers, and "professional" service providers who hop from issue to issue, social problem to social problem, wherever the interest and money lies?

What Steinmetz's research and attendant press coverage has done, which lies in direct contradiction to most support services for battered women, is to ridicule women's experiences and perspectives. The impact on women who read accounts of her study will be to invalidate their own feelings and perceptions of reality, make them feel crazy and isolated once more, and force them back into their silent terror.

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[15] Mildred Daley Pagelow, "Blaming the Victim: Parallels in Crimes Against Women—Rape and Battering," "Battered Women: A New Perspective," "Secondary Battering: Breaking the Cycle of Domestic Violence," Department of Sociology, University of California, Riverside, Calif. 92521.

[16] Pagelow, ibid.

[17] Pleck, Pleck, Grossman, and Bart, ibid.

Intermediate Support Services

Short-term services and policies will necessarily affect long-term change. Long-term change is not possible unless and until the basis for it has been established in both the content of our work and the new institutions we create. The same principles of validation, peer support, self-help, and empowerment that constitute integral parts of the grassroots service model build a framework for our work in the future. It is in this perspective that I wish to consider some of the intermediate and long-term changes and support services that must be developed in order not only to meet the needs of women who have been physically battered, but to prevent that abuse in the first place.

I believe that the depression, sense of futility, and hopelessness that many battered women experience is the direct result of a lack of validation for their feelings, anger and fear turned inwards into depression, and a realistic appraisal of a male-dominated society that offers them neither protection nor alternatives. I have never encountered, in my work with nor my readings concerning battered women, a woman who sincerely believed that there was anything "just" about the pain and brutality she was experiencing. The problem has been battered women's lack of power and societal resources—due to women's oppression and exploitation in marriage, the work place, the courts, and all the other institutions that constitute our society—forcing them to utilize their inner resources simply for physical survival. Behaviors that many women exhibit towards men, such as flattery, self-abnegation, etc., are simply survival tools; and some women's hopeless submission constitutes a not-unrealistic emotional response to current social conditions. Women, then, need only to believe sincerely that change is possible in their own lives, as in the conditions which oppress them, and to have the minimum of alternatives in order to be able to act.

I think that the intermediate needs of women who have been battered and sought and received help from shelter or support groups are characterized by a need for long-term support, not therapy, which is quite different. Shelter groups are developing programs for ongoing support for women who have stayed with them, in the form of actual support groups, and encouraging women to work with the house by staffing, facilitating support groups for women currently in crisis, helping to sustain support and followup networks with other past residents of the shelter, participating in community education workshops and presentations, etc. Much of this process has gone on spontaneously and informally. Oftentimes, women move out of the shelter together and help share expenses and child care in new homes. They also become regular members of the shelters' volunteer and paid staff, and some shelters have established as a goal the eventual running of the shelter entirely by former residents. In these ways, a supportive community is developed, through whose networks women can exchange encouragement, survival information, and resources such as housing, employment, child care, etc. This process has taken place and been effective because it has facilitated women's getting in touch with their anger and directing it appropriately. Women are learning to channel it to help fight the customs and institutions responsible for their previous degradation, and towards helping other women rebuild their lives.

Such long-range emotional support systems need to be publicly funded, but their structure should not be that of the traditional "therapeutic" model. Nor is it currently workable that couple counselling be required by court order. *If* most judicial monitoring *were* conscientious and impartial, and *if* the court referrals and the monies for further developing the long-term support systems went to the grassroots groups whose effectiveness in this domain is so clearly demonstrated, *then* I would support such a proposal. But it will take a long time, I fear, for the judicial system, which has historically upheld male privilege and prerogative, to become impartial and conscientious in its treatment of women and other disenfranchised groups in this country. (Another consideration is whether this is possible given the structure and function of the criminal justice system, regardless of its inherent sexism, racism, and classism.) Adequately funding grassroots programs would be a more rapidly realizable goal, and I sincerely hope that the existence of this consultation and the presence here of representatives from different legislative and agency offices will help in that effort.

I also believe that such cooperation between the courts, clients, and support agencies cannot truly address the problem of woman abuse until the social values, institutions, and general fabric that enshroud such a relationship change. Counselling for men who batter must be developed with a commitment to ending not only the sex role system as it now exists in this country, but the fundamental power relations between men and women. This has begun to happen, with men's counselling groups who work cooperatively with shelter groups. But again, the principle of peer counselling and commitment to a vision of a domination-free society must guide this work in order for it to be effective.

On a long-term basis, this means raising public awareness concerning and a serious commitment towards eliminating violence against women. This must take place concomitantly with a structured-in accountability by the perpetrators of crimes against women, to their victims as individuals, and to society as a whole. There are many ways in which this can happen, including appointing, with her consent, the abused wife as her husband's probation officer; serious peer pressure against battering in the form of ostracization; a western form of public tribunals, in which the husbands of women who are safely sheltered elsewhere are picketed at their church, work place, or home, accompanied by extensive press coverage; loss of job or wage assignment or transfer of property to the abused wife, etc.

All the above tactics constitute a reflection of changing attitudes towards woman abuse that address the particular situation of the couple involved, while raising public awareness of and commitment towards seriously addressing the problem as a whole. But such tactics must be accompanied by an analysis of and efforts towards changing the attitudes and institutions that underlie violence against women.

Violence Against Women and Other Forms of Social Control

In our culture, we are surrounded and continually and consistently bombarded with culturally sanctioned images of violence against women. Jokes on television and radio magazine cartoons depicting supposedly hilarious scenes involving 'slapping the little woman around' to put her in her place, record jackets that show bloody images of women in chains erotically participating in sexual and physical abuse against them, and soft and hard core pornography that visually dismembers and disembodies women—all constitute cultural reflections of deeply ingrained attitudes of disdain, hostility, and hatred towards women. This hostility is also mixed with the impulse to overpower and dominate as a means of controlling that which one fears and hates. This is seen as well in the medical profession, especially the gynecological profession's treatment of women. The prevalence of unnecessary and unwanted hysterectomies and mastectomies, as well as rampant sterilization abuse against poor and Third World women, again illustrates this combination of misogyny and need to control (in the case of sterilization abuse, to control Third World populations). For this cultural reinforcement of misogyny to change, it will require a variety of approaches and tactics—from boycotts, pickets, and exposes of record companies and media that promote such materials to supporting legislation. It will also require profound changes in our thinking about men, women, violence, and sexuality.

With this process must come mechanisms for women to build positive alternative self-images and institutions that support and validate this rediscovery. Women all over the country are beginning to develop such mechanisms, from support groups for victims of rape, sexual harassment, and battering and sexuality workshops to the rising popularity of midwifery, home birth, women's community health centers, and other self-help institutions.

Violence, as a means of social control of women, has been used to punish us for behavior not approved of by men in general or particular, and to serve as a warning to other women to think twice before overstepping the boundaries defined by the male-dominated culture (e.g., walking alone at night, living alone, talking back when insulted or offended, etc.) Yet there are other forms of social control as well that are more subtle and deeply internalized. I refer to the education we all receive, in the schools, but more pervasively via the entire communications system that teaches us which options are culturally sanctioned and which are disdained, for which we will be punished. The Madonna/whore dichotomy for women and the cowboy/effeminate dichotomy for males that Lisa Richette has referred to is one of these mechanisms of social control. These images terrorize all of us; if we don't conform to our appropriate role, we will become social outcasts. What is important to keep in mind, however, is that, although both men and women are forced into rigid sex-role stereotyping, men alone are rewarded with the power to dominate and control women individually and as a group. Some women, if they play the role well, are white, middle class, and lucky, are rewarded with the privileges that accrue to women attached to wealthy, powerful men. However, these privileges do not constitute control over their lives and are quickly transformed to total poverty if women lose or are forced to leave their associations with wealthy men, which so frequently occurs in battering situations.

I would add to Richette's excellent overview of the effects of the Total Woman, anti-ERA, and antihomosexual movements the observation that these images serve, as well, to keep us in line through fear of social ridicule, ostracization, and in some cases violence. If a marriage is not fulfilling, if there are problems from alienation to battering, our culture has taught women that *she* must be doing something wrong. She is anxious to learn how to be the total woman that our culture has taught her is the key to marital success. We are taught to assume or suspect that any woman who lives alone is an "old maid," a woman who lives with other women is a lesbian, and a woman who sees more than one man is a whore. These same culturally devalued and scorned choices and terms are used when referring to women who live or behave independently of male norms. If a woman can't live alone, see more than one man, live and socialize with women, or act independently without public scorn, what option is left to her but to marry and stay with her husband, no matter how unsatisfying and abusive the relationship might be?

It is no historical anomaly that these repressive movements, which are supported by a wealthy, male-dominated, and often violent right wing, are taking place now as women are beginning to make concrete first steps towards changing these values and institutions. It is also no accident that many of the same right-wing groups who are waging such repressive campaigns against women have also historically and contemporarily used many of the same tactics and strategies against male and female Third World people. The need to dominate, so heavily imbued in our culture, is grounded in sexual and racial politics that frequently overlap in form, practice, and content.

For the previous reasons, I must take exception with Richette's allegation that the current wave of the feminist movement has, until recently, focused only on the "professional aspirations of middle class, intellectually gifted, upwardly mobile women." It is only recently that the white-male-dominated press *has chosen to report* the work affecting the lives of housewives. It is still not reporting the work being done by working class women in their work places, welfare mothers, and Third World women organizing in their own communities. Third World women are not "baffled by the chauvinism and machismo of that heritage" anymore than white women are by the different forms male supremacy takes in their communities and cultural heritages. Tied economically and culturally to their communities' support networks because of the racism of white-dominated America, Third World women have been organizing in their own communities shelters for women in crisis, child-care programs, community health care centers, antisterilization abuse projects, etc., developing and building upon already existing support networks between women.[18] The feminist movement in general, which has no leadership elite (other than that which the media has fabricated), has been working on the issues of wages for housework, credit, child care, health care, women in prison, welfare reform, divorce and separation, etc., since early in the second wave of the feminist movement, in addition to the more highly publicized issues. The press has recently been forced to begin to cover some of this work, due to the sheer magnitude of the movement itself, of which the recent Houston conference is but one reflection.

Long-Term Change

All this social change work has already had an impact on the lives of all women. At this time, married women in particular need not only legal, economic, and social protections, but also equal power and control over their own lives. When there are no other viable choices for women's survival, marriage and the nuclear family become a *necessity,* not a *choice,* no matter how degrading. Thus the institution of marriage in the nuclear family operates within a total social and economic context that must change as well. That the nuclear family is not working in this culture can no longer be questioned. Battering, marital rape and sexual degradation, and abuse of children in the family are merely the most blatant and horrifying expressions of the deterioration of the family.[19] Cross-culturally as well, women have historically lost their rights, their autonomy, and their dignity when living in nuclear families. This is due to the isolation of women's social and work lives into domestic labor that is no longer considered socially useful, the concept and structure of ownership in marriage, and the lack of support from responsibility and accountability to an extended family network.[20] The nuclear family instutitionalizes and reinforces in the family oppressive power relations existing in society as a whole. Conversely, extended families can contribute to a higher status of women only if operating within a cultural context that is respectful and supportive of women.

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[18] "The Combahee River Collective: A Black Feminist Statement," a crucial exploration of black feminism found in *Capitalist Patriarchy: A Case for Socialist Feminism*, ed. by Zillah Eisenstein, Monthly Review Press, New York, 1977.

What kinds of changes in the family and society are necessary and possible to eliminate domestic violence, to empower woman, and to reinstitute respect and dignity between men, women, and children of all ages?

Shared child care and home maintenance within an extended family network (be it based on family or social ties), social services to provide these same options, and female support networks within and outside the family networks are important first steps. Having lived in several Ewe communities in the south of Togo in West Africa, I have to say that I seriously disagree with the notion that shared childrearing functions *necessarily* produce children with social and psychological problems, as Richette suggests. Such problems stem, I think, from the social context in which families live, not from the institution of shared child care itself. I believe that extended child-care systems are the healthiest way to raise children and they produce "problem children" only when operating in a context of sexual, racial, and/or class repression.

In most towns and villages in West Africa, for example, people live in extended families with strong networks between family compounds. Child caring is collectivized, albeit between the women and older children; and children are responsible and accountable to, rewarded and cared for by all the adults in their neighborhood. I think that the centeredness and sense of self and mutual acceptance shown by children in many West African cultures come from this constant reminder that they are a part of a loving, respectful, and concerned whole. It is important to note also that this social fabric is deteriorating in the large towns where Western norms, laws, and institutions have been imposed on traditional cultures and the nuclear family is the new model. Consequently, there are increasing problems with juvenile delinquency, battering, etc.

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[19] It is ironic that the right wing projects its fears of those harsh realities taking place within its own closed doors onto homosexuals. Heterosexual men are responsible for 97 percent of child molestation (Gay Schoolworkers Coalition *Newsletter,* Box 365, 625 Post St., San Francisco, Calif. 94109).

[20] Rayna Reiter, ed., *Towards an Anthropology of Women,* Monthly Review Press, New York, 1975.

Shared childrearing in family networks is also a source of stability and support for most Third World children in this country and has in fact served as a vital survival mechanism in the face of extreme racism and economic exploitation by a white-dominated society. (See Stack for a useful analysis of how domestic networks function within the cultural context of racial and class oppression.)[21]

I am *not* arguing, however, that in our ideal family women as a group should collectively be responsible for child care, anymore than individually they are now. Widespread economic changes must take place so that women's work in the home can be recognized as work and compensated monetarily. This recognition and compensation should come from our society as a whole (which is to say, the government), which has hitherto taken no responsibility *as a society* for the rearing of children and maintenance of homes. We have simply left it for women to take care of, with no social support whatsoever. In fact, women are penalized for caring for children by having their work culturally devalued, being fired from their jobs when pregnant, not receiving maternity leave, not being able to find housing if they're not attached to a man, not able to get credit or social security if they've been "only" homemakers, etc.

Women must have independent control of money paid to them for their work so as not to be powerless within and outside the home. In this culture, the Golden Rule reigns supreme: "He who has gold makes the rules." Economic dependence on their assailants ties many battered women to lives of humiliation for lack of the economic viability to support themselves and their children alone in a society that discriminates against women inside and outside the home. Our society should make a commitment towards recognizing women's work in the home, and the Federal Government should pay wages to women who choose to work in the home. For women who want to do work both in and outside the home, or full-time work outside the home, federally-funded, community-based and controlled, quality homemaker and child-care services, provided by men and women both, should be available to them. The government should pay for this work as it pays for the provision of other social services and also because, pragmatically, most husbands could not afford to pay for it. It's also important that this work be paid for at the time that a woman is doing it (and not after a divorce or separation), because even if she was receiving a credit towards partial ownership of property in the eventuality of a separation, she would continue to be economically dependent on her husband while working, a status that as we have seen, can easily be abused.

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[21] Carol Stack, *All Our Kin.*

Payment for work in the home must begin with changes in the social security laws, access to credit, displaced homemaker acts, subsidized child-care and home maintenance services, and fundamental changes in the structure of our system of public welfare. Our current welfare system constitutes the epitome of the process of infantilization that Richette has so well described. We punish women working in the home who are not receiving economic support from a man by making them economically dependent on a dehumanizing and disdainful system of public assistance. On welfare, women receive a humiliating lower-than-subsistence income rather than an adequate and dignified wage for their work. This process blames and penalizes the victim of a society that does not pay women for their work in the home and pays women working outside the home only 57 percent what men are paid.[22] These wages are so low that most women cannot afford to adequately support themselves and their children *and* pay the exorbitant costs of child care while they are working. It thereby forces them onto a scornful system of public welfare, which ". . .gives them a piece of bread and kicks them in the face for eating it."[23]

Such broad-based changes in our economic system as would accommodate structural changes in the system of public assistance, equal pay for equal work, payment of wages for housework, and social provision of these same services would require a massive restructuring of our priorities. We would be forced to address the tremendous question of human needs and human rights, rather than the violation of those needs by a merciless and irresponsible system based on private profit. Changes in the law, transforming welfare into a guaranteed minimum annual wage, better implementation of the Equal Pay Act, etc., are all important first steps towards this change in prioritization in our economy. But they must be accompanied by a new commitment on the part of our society as a whole towards valuing not only women's work, but women's physical and emotional integrity.

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[22] Leghorn and Roodkowsky, *Who Really Starves? Women and World Hunger*, Friendship Press, New York, 1977.

[23] Dawn Warrior, "American Is In Trouble," *The First Revolution: A Journal of Female Liberation*, Cell 16.

The principles of validation, support, and empowerment of women found in grassroots feminist shelters must become grounded in our entire culture, through changes in institutions as well as value systems and attitudes.

Changes must come in the social traditions governing caste relations between men and women, which are institutionalized in the law. Changes in the law can be used to help protect women from flagrant abuses of power by men as well as private and public institutions. Yet the law is not the creator but the reflection and reinforcement of the dominant culture. These very abuses cannot be prevented through changes in the law, but only by changes in the culture that sustains them.

I would like to conclude with the observation that the degree of violence against women crossculturally is proportionate to women's power and control over their lives. In the Ewe culture in West Africa that I referred to earlier, women have had a great deal more control over their lives than women in this country, and rape, battering, and sexual harassment were virtually unknown until the beginning of colonialism. Until that time, and to a certain extent still today in the villages, women were economically independent, represented in political gatherings and conflict situations by a queen mother, and had strong support networks through the extended family structure. All persons were raised and imbued with a strong sense of belonging, responsibility, and accountability to the community as a whole, ancestors and living alike. Consequently, morality was internalized and did not need to be institutionalized. Precolonialist Ewe society had no police, courts, or jails—simply public tribunals where conflicts were aired and resolved by consensus.

A system of public tribunals has also been used extensively by women in China since the revolution for dealing with abusive husbands. A woman who was being abused by her husband needed only to notify the local women's association who held a tribunal. If the husband maintained that he still held his age-old right to beat her, of if he violated a promise to discontinue the abuse, the women of the village simply beat him up.[24] Their authority in so doing was accompanied by a commitment on the part of the new government towards greater participation by women in creating a new social order and general societal transformations that were taking place which were slowly empowering women. The combined effect of all these changes resulted in the cessation, in a relatively short span of 30 years, of the existence of wife abuse as a social institution.

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[24] Jack Belden, *Gold Flower's Story* (reprinted from *China Shakes the World*), NEFP, 60 Union Square, Somerville, Mass. 02143.

For such a transformation to take place in this culture, short-term support services, changes in the law, in education, and the media will have to be accompanied by long-term social, economic, and political changes such as those mentioned previously. But for this process to be effective, it must be integrated with the principles of empowerment found in the shelter groups' services, weaving together a new integrity, vision, and honesty to provide a base for what is to come. Each step we take today must lay the foundation for a new social order, free of domination, where each person is empowered to control her own life, with dignity and respect.

Wife Beating: Causes, Treatment, and Research Needs*

By Murray A. Straus, University of New Hampshire†

I. Marital Violence in a Nationally Representative Sample

The assignment given to me when the Commission requested this paper was put as a paper on "wife abuse." I have taken the liberty of changing the assignment to the more narrow focus of *physical* abuse, and also to enlarge the scope somewhat by including the fact that all women—not just wives—risk violence in their relationships with men.

The reason I have narrowed the topic is a combination of scientific and practical factors. It is not meant to deny the importance of psychological and economic abuse. One can be unspeakably cruel to another person without lifting a finger. On the practical side is the need to keep the paper within a reasonable length and the fact that my own research has been primarily on physical abuse. More important are the scientific considerations. To be able to investigate something scientifically, there must be some way clearly to identify the phenomenon. But in the case of "psychological abuse," where is the line between "mental cruelty" and the inevitable arguments and disputes in marriage? In addition to not knowing what is to be included under the general term of wife abuse, there is the need to avoid lumping together quite different phenomena that happen to have some things in common. Thus, not much progress in medicine will be made by research on "chest pains" until one is able to identify pains that are due to problems with the heart, problems with the lungs, and problems with the muscles. They all hurt, as do all forms of wife abuse, but considering them all together could slow down progress on finding out the causes and cures. By restricting the focus to the use of physical force on a marital partner, some of this thicket is cleared away.

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* The statistical data in this paper will be presented more fully in a forthcoming book, *Violence In the American Family* (Straus, Gelles, and Steinmetz, 1979). This paper is part of a research program on intrafamily violence supported by grants from the National Institute of Mental Health (MH27557 and MH15161). A program bibliography and description of current projects is obtainable on request. Sections I and II of this paper are adapted from Straus, 1977b; Sections III and IV are adapted from Straus, 1977a. Consequently, none of these sections may be reproduced in any form without the written permission of the copyright holders.

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What Is Wife Beating?

Even when the focus is limited to physical abuse, some of the same problems remain. One soon realizes that "wife beating" is a political rather than a scientific term. For most people, wife beating refers only to those instances in which severe damage is inflicted. Other violence is treated as normal or laughed off. For example, a joke I remember hearing as a child, and which I heard again on my car radio while driving across northern England, goes like this in the BBC version: One woman asks another why she feels her husband doesn't love her anymore. The answer: "He hasn't bashed me in a fortnight." Or take the following:

> Concord, N.H. (AP) The New Hampshire Commission on the Status of Women has rejected a plan to help battered wives, saying that wife-beating is caused by the rise of feminism.
>
> "Those women libbers irritate the hell out of their husbands," said Commissioner Gloria Belzil of Nashua.
>
> At a meeting Monday, commission members, appointed by Gov. Meldrim Thomson, said any program to help battered wives would be "an invasion of privacy." (*Portsmouth Herald,* Sept. 13, 1977.)

This statement suggests that a certain amount of violence in the family is "normal violence" in the sense that it is deserved (for example, by "irritating the hell" out of one's spouse) and that, unlike violence outside the family, the state should not interfere.

But at what point does one exceed the bounds of "ordinary" or marital violence? When does it become "wife beating"? The solution to this problem, which Suzanne Steinmetz, Richard Gelles, and I took for our research, is to gather data on a continuum of violent acts, ranging from a push to using a knife or gun. This lets anyone draw the line at whatever place seems most appropriate for their purpose.

Measuring Wife Beating

But this "solution" can also be a means of avoiding the issue. So, in addition to data on each violent act, we also combined the most severe of these into what can be called a "severe violence index" or, for purposes of this paper, a "Wife Beating Index."

The Conflict Tactics Scales (CTS) were used to gather this data (Straus, 1978). These scales provide data on how family members attempt to deal with conflicts between themselves. The Physical Violence Index of the CTS contains the following eight items:

K. Throwing things at the spouse

L. Pushing, shoving, or grabbing

M. Slapping
N. Kicking, biting, or hitting with the fist
O. Hit or tried to hit with something
P. Beat up
Q. Threatened with a knife or gun
R. Used a knife or gun

The overall Violence Index consists of the extent to which any of these acts were carried out during the previous 12 months. The Wife Beating Index consists of the extent to which acts *N* through *R* occurred.

The choice of acts *N* through *R* as the Wife Beating Index does not reflect our conception of what is permissible violence. I find none of these to be acceptable for relationships between any human beings, including parent and child, brother and sister, husband and wife, student and teacher, minster and parishoner, or colleagues in a department. In short, I follow the maxim coined by John Valusek: "People are not for hitting."

What then is the basis for selecting items *N* through *R* to make up the Wife Beating Index? It is simply the fact that these are all acts which carry with them a high risk of serious physical injury to the victim. With these considerations in mind, we can turn to the question of trying to estimate the extent of wife beating in the United States.

The Extent of Wife Beating

The procedures for measuring violence just described were used in a study of a nationally representative sample of American families, made possible by a grant from NIMH. A probability sample of 2,143 families was studied. In approximately half the cases the person providing the information about the family was a woman, and in half it was a man. To be eligible for inclusion in the study, the respondent had to be one member of a male-female couple, aged 18 to 70. The couple did not have to have children nor did they have to be legally married. So our sample contains couples with and without children, and married and also unmarried couples in about the same proportion as are found in the U.S. population.

Yearly Incidence. The most direct, but in some ways also a misleading, statistic emerging from the data on the 2,143 couples in our sample is that, for the 12-month period preceding the interview, 3.8 percent of the respondents reported one or more physical attacks that fall under our operational definition of wife beating. Applying this incidence rate to the approximately 47 million couples in the U.S.A. means that, in any one year, approximately 1.78 million wives are beaten by their husbands.

I mentioned that this can be a misleading figure. This is because there are two other things that must be considered: how often these beatings occur, and how they fit in with the overall pattern of violence in the family.

Yearly Frequency. Among those couples in which a beating occured, it was typically not an isolated instance, as can be seen from the "Frequency In 1975" columns of table 1. However, the mean frequency of occurence overstates the case because there are a few cases in which violence was almost a daily or weekly event. For this reason, the median gives a more realistic picture of the typical frequency of violence in the violent families. This is 2.4; i.e., the typical pattern is over two serious assaults per year. But of course there is great variation. For about a third of the couples who reported an act that falls in our wife beating category, it occurred only once during the year. At the other extreme, there were cases in which this occurred once a week or more often. In between are about 19 percent who reported two beatings during the year, 16 percent who reported 3 or 4 beatings, and a third of these 1.8 million who reported five or more during the year.

Duration of Marriage Rates. Another aspect of wife beating which must be considered is the proportion of families in which a beating has *ever* occurred. Unfortunately, our data for events before the year of the survey do not distinguish between who was the assailant and who was the victim. So all that can be reported is that 28 percent of the couples in the study experienced at least one violent incident and 5.3 percent experienced violence that falls within our set of severe violence indicators.

In some of these cases it was a single slap or a single beating. But there are several reasons why even a single beating in important. First, in my values, even one such event is intrinsically a debasement of human life. Second, there is the physical danger involved. Third is the fact that many, if not most, such beatings are part of a family power struggle. It often takes only one or two slaps to fix the balance of power in a family for many years—or perhaps for a lifetime.

Physical force is the ultimate resource on which most of us learn as children to rely if all else fails and the issue is crucial. As a husband in one of the families interviewed by LaRossa (1977) said when asked why he hit his wife during an argument:

> . . .She more or less tried to run me and I said no, and she got hysterical and said, "I could kill you!" And I got rather angry and slapped her in the face three or four times and I said "Don't you ever say that to me again!" And we haven't had any problems since.

Later in the interview, the husband evaluated his use of physical force as follows:

> You don't use it until you are forced to it. At that point I felt I had to do something physical to stop the bad progression of events. I took my chances with that and it worked. In those circumstances my judgement was correct and it worked.

Since superior strength and size give the advantage to men in such situations, the single beating may be an extremely important factor in maintaining male dominance in the family system.

Accuracy of Estimates. How much confidence can be placed in these figures? I am reasonably confident that the sample is representative of American couples generally. But that is only one aspect of the accuracy question. The other main aspect is whether our respondents "told all." Here I have doubts for the following reasons:

(1) Underreporting of domestic violence is likely to occur among two groups of people, but for opposite reasons. On the one hand, there is a large group for whom violence is so much a normal part of the family system that a slap, push, or shove (and sometimes even more severe acts) is simply not a noteworthy or dramatic enough event to be remembered. Such omissions are especially likely when we asked about things that had ever happened during the entire length of the marriage.

(2) Somewhat paradoxically, there is also underreporting at the other end of the violence continuum—those who experienced such severe violent acts as being bitten, hit with objects, beaten up, or attacked with a knife or gun. These are things that go beyond the "normal violence" of family life. There is reluctance to admit such acts because of the shame involved if one is the victim, or the guilt if one is the attacker.

(3) A final reason for regarding these figures as drastic underestimates lies in the nature of our sample. Since a major purpose of the study was to investigate the extent to which violence is related to other aspects of husband-wife interaction, we sampled only couples living together. Divorced persons were asked only about the current marriage (again because of interview time limits and recall accuracy problems). Since "excessive" violence is a major cause of divorce, and since our sample is limited to couples living together, these data probably omit many of the high violence cases.

These considerations, plus the higher rates in our pilot studies, and informal evidence (where some of the factors leading to underreporting were less) suggest that *the true incidence rate for any use of violence in a marriage is probably closer to 50 or 60 percent of all couples than it is* *to the 28 percent who were willing to describe violent acts in a mass interview survey.*

Wife Beating is not Restricted to Wives

Although this paper is primarily concerned with wife beating, an adequate understanding of the phenomenon requires that we consider it in a wider context. It is important to recognize that one does not have to be married to be the victim of physical violence by a partner. Our national survey, a study by Hennon (1976) of students living together, and much informal evidence suggest that couples who are not married have rates of violence that are as high or higher than those married. In fact, one does not even have to live together. Once there is a step toward a marriage-like arrangement, as in a boyfriend-girlfriend relationship, and especially if regular sex is involved, the violence rate jumps dramatically. It can no longer be figured in rates per 100,000 characteristic of assaults in general. Instead, simple percentages—i.e., rates per 100 rather than per 100,000—make more sense. Why this happens is important by itself and also because it throws a great deal of light on the situation of wives, as I will try to show in sections II and III below.

Husband Beating

Just as it is important to consider violence between unmarried couples to gain a full understanding of wife beating, the same is true for violence by wives against their husbands. In fact, the data on this are even more surprising than the high incidence of violence among unmarried couples. Our national survey confirms what all of our pilot studies have shown: (Gelles, 1974; Steinmetz, 1977; Straus, 1974) that violence between husband and wife is far from a one-way street. The old cartoons of the wife chasing a husband with a rolling pin or throwing pots and pans are closer to reality than most of us (and especially those of us with feminist sympathies) realize. This can be seen from an inspection of the wife columns in table 1.

Violence Rates. The overall figures in the second row of table 1 show that, for all violent acts during the survey year, there is only a slightly higher incidence for husbands than for wives (12.1 percent versus 11.6 percent). In addition, those wives who were violent tended to engage in such acts somewhat more frequently than did the husbands in this sample median, 3.0 times in the year, compared to 2.5 times for the husbands. Moreover, the first row of table 1, which gives the data on severe violence, suggests that the wives were more violent even in this traditional sense of the word violence.

Specific Violent Acts. If we look at the specific types of violent acts sampled by the CTS, there is evidence for the pot-and-pan-throwing

TABLE 1
Violence Rates Per Hundred Marriages, 1975.

	Incidence rate for violence by:		Frequency*			
			Mean		Median	
CRT Violence Item	**H**	**W**	**H**	**W**	**H**	**W**
Wife Beating and Husband Beating (N to R)	3.8	4.6	8.0	8.9	2.4	3.0
Overall Violence Index (K to R)	12.1	11.6	8.8	10.1	2.5	3.0
K. Threw something at spouse	2.8	5.2	5.5	4.5	2.2	2.0
L. Pushed, grabbed, shoved spouse	10.7	8.3	4.2	4.6	2.0	2.1
M. Slapped spouse	5.1	4.6	4.2	3.5	1.6	1.9
N. Kicked, bit, or hit with fist	2.4	3.1	4.8	4.6	1.9	2.3
O. Hit or tried to hit with something	2.2	3.0	4.5	7.4	2.0	3.8
P. Beat up spouse	1.1	0.6	5.5	3.9	1.7	1.4
Q. Threatened with a knife or gun	0.4	0.6	4.6	3.1	1.8	2.0
R. Used a knife or gun	0.3	0.2	5.3	1.8	1.5	1.5

* For those who engaged in each act; i.e., omits those with scores of zero.

stereotype, since the number of wives who threw things at their husband is almost twice as large as the number of husbands who threw things at their wife. For half of the violent acts, however, the rate is higher for the husband, and the frequency is higher for the husbands than for the wives for all but two of the items. The biggest discrepancy in favor of wives occurs in the kicking and hitting with objects. Such acts are less dependent on superior physical strength to be effective. This seems to be consistent with the view that a main difference between male and female domestic violence stems from the smaller size, weight, and muscle development of most women, rather than from any greater rejection of physical force on moral or normative grounds.

Policy Implications. Although these findings show high rates of violence *by wives,* this should not divert attention from the need to give primary attention to wives *as victims* as the immediate focus of social policy. There are a number of reasons for this:

(1) A validity study carried out in preparation for this research (Bulcroft and Straus, 1975) shows that underreporting of violence is greater for violence by husbands than it is for violence by wives. This is probably because the use of physical force is so much a part of the

male way of life that it is typically not the dramatic and often traumatic event that the same act of violence is for a woman. To be violent is not unmasculine. But to be physically violent *is* unfeminine according to contemporary American standards. Consequently, if it were possible to allow for this difference in reporting rates, it is likely that, even in simple numerical terms, wife beating would be the more severe problem.

(2) Even if one does not take into account this difference in underreporting, the data in table 1 show that husbands have higher rates for the most dangerous and injurious forms of violence (beating up and using a knife or gun).

(3) Table 1 also shows that when violent acts are committed by a husband, they are repeated more often than is the case for wives.

(4) These data do not tell us what proportion of the violent acts by wives were in response to blows initiated by husbands. Wolfgang's data on husband-wife homicides (1957) suggest that this is an important factor.

(5) The greater physical strength of men makes it more likely that a woman will be seriously injured when beaten up by her husband than the reverse.

(6) A disproportionately large number of attacks by husbands seem to occur when the wife is pregnant (Gelles, 1975), thus posing a danger to the as yet unborn child.

(7) Women are locked into marriage to a much greater extent than men. Because of a variety of economic and social constraints, they often have no alternative to putting up with beatings by their husband (Gelles, 1976; Martin, 1976; Straus, 1976a, 1977b).

In short, wives are victimized by violence in the family to a much greater extent than are husbands and should therefore be the focus of the most immediate remedial steps. However, these data also indicate that a fundamental solution to the problem of wife beating cannot be restricted to the immediate problem of assaulting husbands. Rather, violence is embedded in the very structure of the society and the family system itself (Straus, 1976a). The particularly brutal form of violence known as wife beating is only likely to end with a change in the cultural and social organizational factors underpinning parent-to-child, child-to-child, and wife-to-husband violence, as well as husband-to-wife violence.

II. The Cause of Wife Beating

A full understanding of the causes of wife beating is a vast undertaking, well beyond the scope of this paper. However, some perspective can be gained on the issue by dividing the multitude of causes into three broad groups of factors:

(1) Those that inhere within the individual husband, and that for convenience I will call "psychological factors." This group of causes include personality characteristics, such as aggressiveness, lack of self-control, low frustration tolerance, and of course mental illness, such as paranoia.

(2) A second group of causal factors is to be found within the rules of behavior characteristic of our society, and that will therefore be called "cultural factors." This includes such things as the idealization of masculine toughness and a widely shared (even though not widely recognized) rule that gives family members the right to hit other family members if there is a serious transgression and provided no physical damage occurs. In relation to husbands and wives, this rule takes the form of an implicit clause in marriage that makes the marriage license a hitting license.

(3) The third group of factors is to be found in the way the society is organized. For example, the fact that American families are overwhelmingly organized as separate, "nuclear" households of couples living alone or with children, or an individual parent with children, affects the rate of violence because such nuclear households lack the presence of other adults who can help adjudicate conflicts or intervene to prevent violence.

Each of these three types of factors are interrelated and cannot be understood in isolation. This means that wife beating also cannot be understood if one seeks the explanation in either psychological, cultural, or social organizational factors by themselves. Demonstrating this, even in principle, is a vast undertaking. All that can be done in this paper is to give the general flavor of the argument by showing the interrelation of seven causal factors, some of which are "psychological," some "cultural," and some "social organizational." An overview of these factors and some of their interrelationships is given in figure 1.

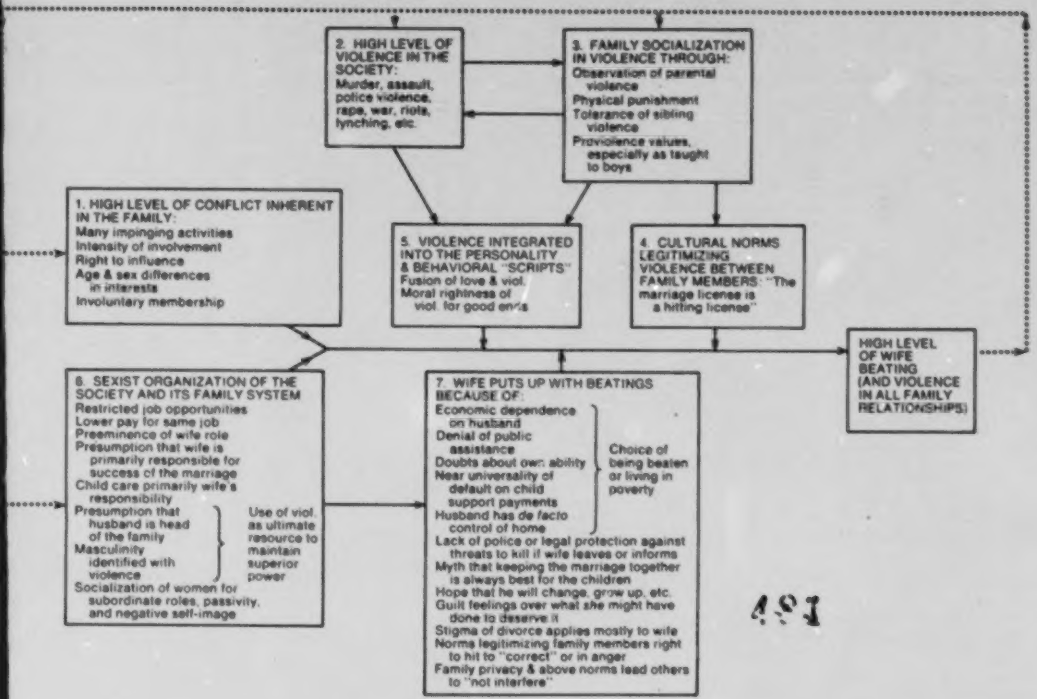
It is the combination of these factors, as shown in figure 1 (plus others not diagrammed for lack of space), that makes the family the most violent of all civilian institutions and that accounts for that aspect of family violence which we call wife beating. Let us look at the first three of these factors in a little more detail, starting with the question of what makes conflict so much part of family life.

High Level of Family Conflict

1. Time at Risk. The most elementary family characteristic accounting for the high incidence of conflict and violence in the family is the fact that so many hours of the day are spent interacting with other family members. Although this is an important factor, the ratio of intrafamily violence to violence experienced outside the family far exceeds the ratio of time spent in the family to time spent outside the

FIGURE 1

Flow Chart Illustrating Some of the Factors Accounting for High Incidence of Wife Beating (solid lines) And Positive Feedback Loops Maintaining the System (dashed lines).


2. HIGH LEVEL OF VIOLENCE IN THE SOCIETY:
Murder, assault, police violence, rape, war, riots, lynching, etc.
3. FAMILY SOCIALIZATION IN VIOLENCE THROUGH:
Observation of parental violence
Physical punishment
Tolerance of sibling violence
Proviolence values, especially as taught to boys
1. HIGH LEVEL OF CONFLICT INHERENT IN THE FAMILY:
Many impinging activities
Intensity of involvement
Right to influence
Age & sex differences in interests
Involuntary membership
5. VIOLENCE INTEGRATED INTO THE PERSONALITY & BEHAVIORAL "SCRIPTS"
Fusion of love & viol.
Moral rightness of viol. for good ends
4. CULTURAL NORMS LEGITIMIZING VIOLENCE BETWEEN FAMILY MEMBERS: "The marriage license is a hitting license"
HIGH LEVEL OF WIFE BEATING (AND VIOLENCE IN ALL FAMILY RELATIONSHIPS)
6. SEXIST ORGANIZATION OF THE SOCIETY AND ITS FAMILY SYSTEM
Restricted job opportunities
Lower pay for same job
Preeminence of wife role
Presumption that wife is primarily responsible for success of the marriage
Child care primarily wife's responsibility
Presumption that husband is head of the family
Masculinity identified with violence
Use of viol. as ultimate resource to maintain superior power
Socialization of women for subordinate roles, passivity, and negative self-image
7. WIFE PUTS UP WITH BEATINGS BECAUSE OF:
Economic dependence on husband
Denial of public assistance
Doubts about own ability
Near universality of default on child support payments
Husband has *de facto* control of home
Choice of being beaten or living in poverty
Lack of police or legal protection against threats to kill if wife leaves or informs
Myth that keeping the marriage together is always best for the children
Hope that he will change, grow up, etc.
Guilt feelings over what she might have done to deserve it
Stigma of divorce applies mostly to wife
Norms legitimizing family members right to hit to "correct" or in anger
Family privacy & above norms lead others to "not interfere"

family. A moment spent comparing the family with other groups in which large amounts of time are spent, such as work groups, provides a concrete way of grasping the fact that far more is involved than just "time at risk."

2. Broad Range of Activities and Interests. Most nonfamily social interactions are focused on a specific purpose. But the primary-group nature of the family makes family interactions cover a vast range of activities. This means that there are more "events" over which a dispute or a failure to meet expectations can occur.

3. Intensity of Involvement. Not only is there a wider range of events over which a dispute or dissatisfaction can occur, but in addition, the degree of injury felt in such instances is likely to be much greater than if the same issue were to arise in relation to someone outside the family. The failure of a work colleague to spell or to eat properly may be mildly annoying (or more likely just a subject for derision). But if the bad spelling or table manners are those of one's child or spouse, the pain experienced is often excruciating.

4. Impinging Activities. Many family activities have a "zero sum" aspect. Conflict is structured into such things as whether Bach or rock will be played on the family stereo, whether to go to a movie or bowling, or a line up for use of the bathroom. Less obvious, but equally important, is the impinging on one's personal space or self-image brought about the lifestyle and habits of others in the family, such as those who leave things around versus those who put everything away, or those who eat quickly and those who like leisurely meals.

5. Right to Influence. Membership in a family carries with it an implicit right to influence the behavior of others. Consequently, the dissatisfaction over undersirable or impinging activities of others is further exacerbated by attempts to change the behavior of the other.

6. Age and Sex Discrepancies. The fact that the family is composed of people of different sexes and ages (especially during the childrearing years), coupled with the existence of generational and sex differences in culture and outlook on life, makes the family an arena of culture conflict. This is epitomized in such phases as "battle of the sexes" and "generational conflict."

7. Ascribed Roles. Compounding the problem of age and sex differences is the fact that family statuses and roles are, to a very considerable extent, assigned on the bases of these biological characteristics rather than on the basis of interest and competence. An aspect of this that has traditionally been a focus of contention is socially structured sexual inequality, or in contemporary language, the sexist organization of the family. A sexist structure has especially high conflict potential built in when such a structure exists in the context of a society with equalitarian ideology. But even without such an ideological inconsistency, the conflict potential is high because it is inevitable that not all husbands have the competence needed to fulfill the culturally prescribed leadership role (Kolb and Straus, 1974; Allen and Straus, 1975).

8. *Family Privacy.* In many societies the normative, kinship, and household structure insulates the family from both social controls and assistance in coping with intrafamily conflict. This characteristic is most typical of the conjugal family system of urban-industrial societies (Laslett, 1973).

9. *Involuntary Membership.* Birth relationships are obviously involuntary, and under-age children cannot themselves terminate such relationships. In addition, Sprey (1969) shows that the conjugal relationship also has nonvoluntary aspects. There is first the social expectation of marriage as a long-term commitment, as expressed in the phrase "until death do us part." In addition, there are emotional, material, and legal rewards and constraints that frequently make membership in the family group inescapable, socially, physically, or legally. So, when conflicts and dissatisfactions arise, the alternative of resolving them by leaving often does not, in practice, exist—at least in the perception of what is practical or possible.

10. *High Level of Stress.* Paradoxically, in the light of the previous paragraph, nuclear family relationships are unstable. This comes about because of a number of circumstances, starting with the general tendency for all dyadic relationships to be unstable (Simmel, 1955:118–44). In addition, the nuclear family continuously undergoes major changes in structure as a result of processes inherent in the family life cycle: events such as the birth of children, maturation of children, aging, and retirement. The crisis-like nature of these changes has long been recognized (LeMasters, 1957).

High Level of Violence in the Society

These 10 characteristics of the family, combined with the huge emotional investment that is typical of family relationships, means that the family is likely to be the locus of more, and more serious, conflicts than other groups. But conflict and violence are not the same. Violence is only one means of dealing with conflict. What accounts for the use of violence to deal with conflicts within the family? One fundamental starting place is the fact that we are talking about families which are part of a violent society. There is a carryover from one sphere of life to another, as I have tried to show in a paper comparing levels of family violence to different societies (Straus, 1977a). However, even granting the carryover principle, this is by no means sufficient. Conflict is also high, for example, in academic departments.

But there has never been an incident of physical violence in any of the six departments I have taught in during the past 25 years. In fact, I have only heard of one such incident occuring anywhere. Clearly, other factors must also be present.

Family Socialization in Violence

One of the most fundamental of these other factors is the fact that the family is the setting in which most people first experience physical violence, and also the setting that establishes the emotional context and meaning of violence.

Learning about violence starts with physical punishment, which is nearly universal (Steinmetz and Straus, 1974). When physical punishment is used, several things can be expected to occur. First, and most obviously, is learning to do or not do whatever the punishment is intended to teach. Less obvious, but equally or more important, are three other lessons that are so deeply learned that they become an integral part of one's personality and world view.

The first of these unintended consequences is the association of love with violence. Physical punishment typically begins in infancy with slaps to correct and teach. Mommy and daddy are the first and usually the only ones to hit an infant. And for most children this continues throughout childhood. The child, therefore, learns that those who love him or her the most are also those who hit.

Second, since physical punishment is used to train the child or to teach about dangerous things to avoided, it establishes the moral rightness of hitting other family members.

The third unintended consequences is the lesson that, when something is really important, it justifies the use of physical force.

These indirect lessons are not confined to providing a model for latter treatment of one's own children. Rather, they become such a fundamental part of the individual's personality and world view that they are generalized to other social relationships, and especially to the relationship which is closest to that of parent and child: that of husband and wife.

All of the above suggest that early experiences with physical punishment lay the groundwork for the normative legitimacy of all types of violence, but especially intrafamily violence. It provides a role model—indeed a specific "script" (Gagnon and Simon, 1973; Huggins and Straus, 1975)—for such actions. In addition, for many children, there is not even the need to generalize this socially scripted pattern of behavior from the parent-child nexus in which it was learned to other family relationships. This is because, if our estimates are correct, millions of children can directly observe and role model physical violence betwen husbands and wives (see also Owens and Straus, 1975).

Cultural Norms Legitimizing Family Violence

The preceding discussion has focused on the way in which violence becomes built into the behavioral repertory of individual husbands and wives. Important as that is, it would not be sufficient to account for the high level of family violence if it were not also supported by cultural norms legitimizing such violent predispositions. Since most of us tend to think of norms that call for love and gentleness within the family, it is difficult to perceive that there are *also* both *de jure* and *de facto* cultural norms legitimizing the use of violence between family members. Once one is sensitized to the possibility that such rules exist, examples pop up all over. These rules are sometimes explicit or even mandatory—as in the case of the right and obligation of parents to use a "necessary" and appropriate level of physical force to adequately protect, train, and control a child. In fact, parents are permitted or expect to use a level of physical force for these purposes that is denied even prison authorities in relation to training and controlling inmates.

In the case of husband-wife relations, similar norms are present and powerful, but they are largely implicit and taken for granted and therefore also largely unrecognized. But the fact is that, just as parenthoood gives the right to hit, the marriage license is also a hitting license. The evidence can be found, for instance in everyday expressions and jokes, as the ditty:

> A woman, a horse, and a hickory tree
>
> The more you beat'em the better they be.

or the joke mentioned earlier in this paper. Many of the men and women interviewed by Gelles (1974:58) expressed similar attitudes, as represented by such phrases as "I asked for it," or "She needed to be brought to her senses."

But the marriage license as a "hitting license" is not just a matter of the folk culture. More important, it also remains embedded in the legal system despite many legal reforms favoring women. In most jurisdictions, for example, a woman still cannot sue her husband for damages resulting from his assaults, because, in the words of a California Supreme Court judgment (*Self v. Self,* 1962), this "would destroy the peace and harmony of the home, and thus would be contrary to the policy of the law."[1]

Of course, criminal actions can be brought against an assaulting husband, but here too there is an almost equally effective bar, inherent in the way the criminal justice system actually operates. Many policemen personally believe that husbands *do* have a legal right to hit their wives, provided it does not produce an injury requiring hospitalization—the so-called "stitch rule" found in some cities. If a wife wants to press charges she is discouraged from it by every step in the judicial process, beginning with police officers (often the first on the scene) who will not make arrests and going on to prosecuting attorneys who will not bring the case to court, and by judges who block convictions in the miniscule fraction of cases that do reach the court (Field and Field, 1973).[1]

Finally, there is evidence from surveys and experiments also pointing to the implicit license to hit conferred by marriage. Perhaps the most direct of this type of evidence is to be found in the survey conducted for the National Commission on the Causes and Prevention of Violence (Stark and McEvoy, 1970). This study found that about one out of four of those interviewed agreed with the proposition that it is sometimes permissible for a husband to hit his wife. Equally cogent are the results of an unpublished experiment by Churchill and Straus. This showed that, when presented with identical descriptions of an assault by a man on a woman, those who were told that the couple is married recommended much less severe punishment. A second experiment compared couples who were identified as strangers, dating couples, engaged, and married. The subjects who were told that the couples were going together (either dating or engaged) treated the assault *less* severely than did the subjects who read the same vignette but thought the couple had just met. This supports the hypothesis that male-female intimacy carries an implicit right to hit. However, for reasons that are not clear, in the second experiment the assault by the husband was treated as severely as the assault by the stranger.

There is a great deal of other evidence supporting the existence of the "marriage license as a hitting license" norm (Straus, 1976). What was just presented may at least make the case plausible and allow us to move on to a consideration of one other causal factor.

Sexual Inequality and the Violent Society

The last causal factor to be considered can be summarized in the proposition that the sexist organization of the society and its family system is one of the most fundamental factors accounting for the high level of wife beating. Demonstrating this proposition is such a large undertaking that it would require an entire paper in itself. Fortunately, much of the evidence has already been well documented (Dobash and Dobash, 1974; Martin, 1976; Straus, 1976a, 1977a, b). A summary of the main elements of sexism that lead to wife beating is presented in boxes 6 and 7 of figure 1. A more detailed exposition is in section III, below.

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[1] These comments should not be taken to be an argument for arresting, fining, and jailing assaulting husbands as *the* solution to the problem of wife beating. Such actions, although necessary as an ultimate sanction, are more often self-defeating and ineffective—just as they are with most types of crime. Rather, the failure of the criminal justice system to act in the case of assaulting husbands (and wives) is stated as part of the evidence for the existence of an implicit cultural norm that, as I said, makes the marriage license a hitting license.

Perhaps devoting an inappropriately small part of this section of the paper to one of the most important of the causal factors can serve to dramatize the fact that, important as is sexism in understanding wife beating, it is only one part of a complex causal matrix. This can be seen from the fact that, even though men are dominant, their dominance does not protect them from violence by other men.

If we imagine that true equality between the sexes were somewhow to be achieved tomorrow, all forms of family violence (including wife beating) would still continue to exist—perhaps at a somewhat lower incidence rate—unless steps are taken to also alter the factors identified in boxes 2, 3, 4, and 5 of figure 1. This means steps to lower the level of *nonfamily* violence and steps to end the training in violence that is part of growing up in a typical American family. Violence is truly built into the very fabric of American society and into the personality, beliefs, values, and into behavioral scripts of most of our population. Elimination of wife beating depends not only on eliminating sexual inequality, but also on altering the system of violence on which so much of American society depends.

III. A Sociological Perspective on the Prevention of Wife Beating

The preventive steps to be outlined in this section are limited to those suggested by a sociological perspective on wife beating; i.e., a perspective that shows the extent to which wife beating has social causes. This does not deny the importance of other factors, and particularly psychological factors. With this in mind, we can proceed with a further examination of the ways in which wife beating is produced by the very nature of our society and its family system, and at the same time attempt to formulate the specific policies that could be followed in order to reduce the level of husband-wife violence. Since this will be a long and complicated section, table 2 may be helpful in giving an overview.

Cultural Norms Permitting Wife Beating

A fundamental aspect of American social structure that must be understood and confronted if there is any hope of dealing with marital violence is the existence of the cultural norm that, as previously noted, makes the marriage license also a hitting license. This is so much a taken-for-granted, unperceived, unverbalized norm, and is so contrary

TABLE 2

Summary of Policy Implications for Prevention Derived from Analysis of Six Social Structural Causal Factors

Factor I. Cultural Norms Permit And Legitimize Wife Beating

1. Make the public aware of this largely unperceived norm.
2. Redefine the marital relationship as one in which *any* use of physical force is as unacceptable as it is between those one works with or with whom one goes bowling, or plays tennis.

Factor II. Wife Beating Reflects Societal Violence

3. Reduce the use of physical force as an instrument of government to the maximum extent possible.
4. Limit violence in the mass media to the maximum possible consistent with preserving freedom of expression and artistic integrity.
5. Enact stringent gun control legislation, particularly directed at restricting hand guns, but also requiring that all guns be kept locked and unloaded.

Factor III. The Family Is The Primary Setting In Which Violence Is Learned

6. Gradually eliminate physical punishment as a mode of childrearing.
7. Encourage parents to control acts of physical force between their children and to avoid explicitly or implicitly defining such acts as permissible.
8. Provide parents and children with techniques for coping with and resolving the inevitable conflicts of family life by means other than force and coercion.
9. Sponsor research to determine the social and psychological conditions that lead some parents to be cold and distant rather than warm and loving, and translate results into programs to assist such parents.

Factor IV. The Inevitability Of Conflict In The Family

10. Reduce the impact of government programs and regulations that, directly or indirectly, encourage geographic mobility or reduce ties to the extended family.
11. Recognize the inevitability of conflict within the family rather than consider conflict an abnormal deviation.

Factor V. Sexually Stereotyped Roles And Sexism In The Family And The Society

12. Eliminate the husband as "head of the family" from its continuing presence in the law, in religion, in administrative procedure, and as a taken-for-granted aspect of family life.
13. Eliminate the pervasive system of sex-typed occupations in which "women's occupations" tend to be poorly paid, and the equally pervasive difference between the pay of men and women in the same occupation.
14. Reduce or eliminate the sex-typed pattern of family role responsibilities.
15. Establish or subsidize a comprehensive and high quality system of day-care centers for preschool children.
16. Full sexual equality is essential for prevention of wife beating.

17. As the society eliminates fixed sex roles, alternative sources of stability and security in self-definition will be needed.

18. Parent-child interaction, parental expectations, and all other aspects of socialization should not be differentiated according to the sex of the child.

19. Eliminate from the criminal justice system the implicit toleration of wife beating that comes about through (a) statutory and common law; (b) the attitudes of the police, prosecutors, and judges; and (c) through cumbersome and ineffective procedures that make even the available legal remedies and protection ineffective.

Factor VI. Frustrations Built Into The Economic System

20. Full employment for all men and women in the labor force at wage levels consistent with the standards of the society, and a guaranteed income for those unable to work.

21. Reduce the extent to which society evaluates people on the basis of their economic achievements and the occupational and economic competition that this entails.

to the way most of us view marriage, that many readers will want to consult the more complete documentation in Gelles (1974) and Straus (1974, 1976), and Steinmetz and Straus (1974).

What then are the implications for prevention that follow from existence of this norm? There seem to be at least two parallel "policy implications."

PI-1. Make the public aware of this largely unperceived norm.

There is a paradoxical quality to this policy implication, but its efficacy is based on the assumption that awareness can contribute to the demise of the hitting license norm because such a norm is so contrary to other norms and values about the family. If so, it will pave the way toward a second policy implication, focused more on individual husbands and wives, but especially the latter.

PI-2. Redefine the marital relationship as one in which any use of physical force is as unacceptable as it is between those one works with or with whom one goes bowling or plays tennis.

For the individual wife, this means making clear to her husband that physical force simply will not be tolerated. In an unknown, but perhaps not insignificant proportion of cases, this alone could serve to alter the situation because the "hitting license" aspect of marriage is so much an unperceived, "taken-for-granted" norm, and is so contrary to other widely acknowledged and valued norms concerning the marriage relationship.

Despite the above, by themselves such attempts at redefining the marital relationship to render violence illegitimate are unlikely to be sufficient. In the first place, normative rules are only one of the structural determinants of behavior, and often a minor determinant. In the second place, such rules do not arise out of thin air. Rather they reflect, and tend to be integrated with, a network of other cultural elements. Perhaps even more, they reflect the realities of daily living. Consequently, a truly fundamental approach to the problem of wife beating must address these more fundamental causes. Each of these things is so closely interwoven with the others that it is almost as difficult to discuss them separately as it will be to change them. However, they can at least be grouped into somewhat meaningful patterns.

Wife Beating As A Reflection of Societal Violence

Governmental Violence. Even if one assumes that nation-states ultimately depend on at least the possibility of using physical force to uphold the law, this does not mean that the present level of physical force is either desirable or necessary (Goode, 1971). The necessity for and efficacy of much governmental violence is highly questionable, as illustrated by the controversy over the efficacy of the death penalty, of police toughness (to say nothing of police brutality), and of the still widespread practice of physical punishment in the schools (Maurer, 1974; Mercurio, 1972). It is sobering to remember that the U.S. Supreme Court recently upheld both physical punishment and the death penalty. Finally, there is the fact that our Government maintains a worldwide military establishment.

These examples of governmental violence provide powerful models for the behavior of individual citizens. They form an important part of an even more general normative system which holds that violence can and should be used to attain socially desirable ends (Blumenthal *et al.*, 1972, 1975). Of course, it is extremely difficult to prove that governmental violence provides a role model for individual violence, but an example of one type of evidence supporting this conclusion is to be found in the work of Huggins and Straus (1978) and Archer and Gartner (1976).

Huggins and Straus (1978) studied a sample of English-language children's books covering the period 1850 to 1970. The original purpose was to see if the level of interpersonal violence depicted in these books showed an upward or downward trend over this 120-year period. The results showed no trend of this type. However, even though there were no "war stories" in the sample of books, during and immediately following each major war the frequency of interpersonal violence rose dramatically. Similarly, Archer and Gartner (1976) found postwar increases in homicide rates for a large sample of nations. They concluded that the increase in murder rates was due to a carryover of the wartime-authorized or sanctioned killing. Therefore:

PI–3. Reduce to the maximum extent possible the use of physical force as an instrument of government.

Media violence. Violence in the mass media both reflects the existing high level of aggression and violence in American society and helps perpetuate that pattern. The typical citizen watches "prime time" TV in which more than half of all characters are involved in some violence, including 1 out of 10 in killing (Gerbner and Gross, 1976). The amount of gratuitous violence in current motion pictures is also extremely high. The significance of these facts has been demonstrated by intensive research during the past 10 years, including a number of excellent longitudinal and experimental studies. These studies have led almost all scientific reviewers of the accumulated evidence to conclude that violence in the media is part of a societal pattern that keeps America a high-violence society (Surgeon General, 1972).

The message of the mass media is clearly that physical force can and should be used to secure socially desirable ends, not just in the "wild west" but in almost all aspects of contemporary life. Although it is rare for the media to depict husbands using physical force on wives, the more general message is easily transferred to the marital relationship. Thus, even though I know of no direct evidence that the implicit high value placed on both instrumental and expressive violence in the mass media is transferred to the marital relationship, this possibility seems so likely in view of the extensive evidence of the phenomenon which psychologists call "transfer of training" that the following policy implication seems warranted:

PI–4. Limit violence in the mass media to the maximum possible consistent with preserving freedom of expression and artistic integrity.

Essentially, PI–4 means that reduction in the extent to which TV and other fiction and nonfiction works "exploit" violence; i.e., make extensive use of violence for the purpose of capturing as large an audience as possible.

Domestic Disarmament. It is by now commonly accepted that America is a violent society. But this acceptance does not automatically bring with it a realization that for the typical citizen the problem is not violence in the streets, but violence in the home. For example, the largest single category of murderer-victim relationship is that of members of the same family. There are complex reasons why this is so (Gelles and Straus, 1977), some of which will become clear later in this paper. However, for the moment I would like to focus on the "gun-toting" aspect of American violence. One reason that domestic murders are so common is that more than half of all American households contain a gun, most of which are "handguns" rather than "sporting guns." Consequently:

PI–5. Enact stringent gun control legislation, particularly directed at restricting handguns, but also requiring that all guns be kept locked and unloaded.

PI–5 has been aptly termed "domestic disarmament" by Amatai Etzioni. It can go a long way toward reducing the most extreme aspect of domestic violence: murder. Of course, domestic disarmament will not reduce violence *per se,* since one can still punch, kick, choke, or knife. But an attack with a gun is much more likely to be fatal than other modes of attack.

The Family As Training Ground For Violence

What has been said so far emphasizes the extent to which violence in the family reflects the level of violence in the society. But the other side of the coin is at least equally important: the level of violence in all aspects of the society, including the family itself, reflects what is learned and generalized from what goes on inside the family, starting at infancy.

Physical Punishment. The implicit models for behavior provided by actions of the government and depicted in mass media form two legs of the stool supporting American violence. The third leg is the family itself. In fact, the family may play the most crucial role. This is because the family is the setting in which most people first experience physical violence and because of the emotional context accompanying this experience. Specifically, at least 90 percent of parents use physical punishment in early childhood. Moreover, for about half of all children, this continues through the end of high school—essentially until the child leaves home (Bachman, 1967; Steinmetz, 1974; Straus, 1971).

The importance of physical punishment in training the next generation of violent citizens was described in section II above. In the forthcoming book giving the results of our national survey of violence in families (Straus, Gelles, and Steinmetz, 1978), one chapter gives detailed evidence supporting this relationship. We found that the more physical punishment experienced as a child, the more violence within the marriage years later. This correlation is present for "ordinary" physical punishment, but it is particularly strong when there is heavy use of physical punishment. Physical punishment, then, lays the groundwork for the normative legitimacy of intrafamily violence. It provides a role-model—indeed a specific "script" (Gagnon and Simon, 1973; Huggins and Straus, 1975)—for both the perpetrators *and the victims* of such actions. Gelles (1976), for example, found that one of the three main factors that is related to a wife's tolerating abuse from her husband is the extent to which she was hit by her parents as a child (see also Lefkowitz *et al.* , 1976). It should be almost self-evident, then, that an important policy implication of what has just been presented is:

PI-6. Gradually eliminate physical punishment as a mode of child rearing.

I have used the term "gradually" in formulating this policy implication even though my own values favor immediate cessation of physical punishment. Many practical difficulties stand in the way of an immediate cessation that, if disregarded, can have serious consequences. Specifically, we cannot expect to eliminate physical punishment until it is possible to provide parents with a proven alternative technology for controlling the behavior of children to protect them from danger and to teach the practical skills and ethical values for which society holds parents responsible. The fact that a few parents do manage to bring up children without the use of physical punishment is by no means the same as saying that most parents can do so. That remains to be proven before we risk undermining the vital tasks of socialization carried out by parents. Fortunately, such techniques are beginning to emerge (see references following PI-8).

Sibling Violence. Almost as universal as physical punishment is physical fighting between children in the family. Perhaps such fighting is inevitable in early childhood. But it is not inevitable that attacks by brothers and sisters on each other be regarded as much less reprehensible than attacks on or by unrelated children. This difference in the way identical acts of violence are evaluated and dealt with symbolizes and reinforces the legitimacy of violence between family members. As a result, such violence continues long after it has practically disappeared from the child's relations with their unrelated peers. For example, among the sample studied by Straus (1974), almost two-thirds had hit or been hit by a brother or sister during the year they were *seniors* in high school, compared to one-third of this sample reported having hit or being hit by someone outside the family that year. Thus, right up through high school, many young people experience a second aspect of intrafamily violence which implies that there is nothing terribly reprehensible about the use of physical force between members of the same family. To the extent that this if it is correct, then:

PI–7. Encourage parents to control acts of physical force between their children and to avoid explicitly or implicitly defining such acts as permissible.

As in the case of physical punishment, implementing PI–7 is not merely a matter of ceasing to do something. One of the things that the sociological perspective highlights is the fact that any element of social structure is likely to be interwoven with other elements, and therefore cannot be dealt with in isolation. In this case, we must ask: "What is there about the situation of children in a family that gives rise to such a high level of violence?" and "How can children resolve their disagreements without physical fights?" Until children are equipped with the skills to do that, it is just as unrealistic for parents to implore "don't fight" as it is for family-life educators to implore parents not to spank. Consequently:

PI–8. Provide parents and children with techniques for coping with and resolving the inevitable conflicts of family life by means other than force and coercion.

There are many obstacles in the way of implementing PI–8, one of the most important of which will be discussed below: the failure to recognize the inevitability of intrafamily conflict and hence to take steps for coping with conflict nonviolently. But even if that were not a factor, what techniques are available? Although still a matter of research and controversy, the last few years have seen the development of methods that appear promising for resolving parent-child and sibling-sibling conflict (Blechman, *et al.,* 1976a, b; Brown, 1976; O'Dell, 1974; Patterson, Reid, Jones and Conger, 1976).

"Somato-Sensory" Deprivation. Harry Harlow once epitomized the results of his classic experiments with monkeys reared in isolation by

saying that monkeys deprived of warm social contact in infancy ". . .would rather fight than love." The same idea has surfaced in a number of different ways in the history of social science, for example, in the work on the authoritarian personality of Adorno *et al.* (1950). Part of what Adorno's "F scale" measures is the propensity to use physical violence for socially desirable ends. People who get high "F scale" scores, for example, tend to favor the death penalty and to feel that sex criminals should both be imprisoned and ". . .publicly whipped, or worse." Adorno *et al.* found that these same people also tended to have received relatively less love and affection from their parents than did those low on the "F scale."

Most recently, Prescott (1975) has pointed to both neurophysiological and cross-cultural evidence showing that the more a person is deprived of "somato-sensory gratification" such as intimate physical contact, love, and affection, the greater the level of aggression, including physical aggression. For example, a tabulation of data for 49 societies revealed that the societies which do not provide much physical affection to their children also tend to be those in which there is a high level of violence between adults. Since a loving and affectionate childhood tends to innoculate persons and societies against violence, it seems likely that this would be particularly true for violence in the family.

The policy implication that follows from this is not that parents should be warm and affectionate because by now that has become part of the standard American childrearing ideology (as compared to the "school of hard knocks" and the "don't spoil the child" conceptions). Rather, the policy implication revolves around the fact that, despite the warmth and affection ideology, millions of children are in fact deprived of just that (Adorno, *et al.*, 1950; Henry, 1963; Lewis, 1971). Consequently:

PI–9. Sponsor research to determine the social and psychological conditions that lead some parents to be cold and distant rather than warm and loving, and translate the results into programs to assist such parents.

The Inevitability of Conflict in Families

Conflict, in the sense of differences in objectives or "interests" between persons and between groups, is an inevitable part of all human association (Coser, 1956; Dharendorf, 1959; Simmel, 1908). Some types of groups tend to be characterized by more conflict than others. Somewhat paradoxically, the more intimate the ties between members of a group, the higher the average level of conflict (Coser, 1956:67). Since the family is one of the most intimate types of groups, the level of conflict is particularly high within the family. In section II above, I outlined some of the characteristics of the family that give rise to its typically high level of conflict.

The 10 characteristics of the family just listed above are by no means a complete account of the factors that produce conflict within the family. However, they should be sufficient to indicate that the family is typically the locus of a high level of conflict at the same time that it is also the locus of a high level of interpersonal support and love. The problem is that the nature of modern society does not provide adequate mechanisms for nonviolent resolution of these conflicts. First, the privacy and the separation from close ties with neighbors and relatives characteristic of the modern family cuts it off from the assistance in resolving conflicts that such groups can provide. There is no one to turn to for help. Second, this same privacy and isolation from kin and neighbors also means that there are few or no intimate and accepted outsiders who can serve as agents of social control to block the use of physical force. Consequently:

PI-10. Reduce the impact of government programs and regulations that, directly or indirectly, encourage geographic mobility or reduce ties to the extended family.

This will be an even more difficult policy to implement than many of the others suggested in this paper for a number of reasons. First, the art and science of "family impact analysis" is only now beginning to be explored (Minnesota Family Study Center, 1976). Aside from a few obvious things (such as policies that give more encouragement to building new neighborhoods than to preserving the quality of existing neighborhoods), simply identifying the relevent programs and government regulations will be a slow and uncertain process. Second, those programs that are located will typically be found to be serving some important purpose. Consequently, it is not merely a matter of ending something, but even more a matter of finding alternatives that do not encourage mobility and the reduction of extended family ties. Finally, the aid and support provided by an intimate community and kin are not unmixed blessing. They can be stifling at the same time as they are helpful.

Returning to the high level of conflict within families, it has already been suggested that our unwillingness to recognize this fact is itself a source of violence. This is because, as long as conflict within the family is viewed as wrong, abnormal, or illegitimate, there will be reluctance to learn techniques engaging in conflict nonviolently. Therefore:

PI-11. Recognize the inevitability and legitimacy of conflict within the family rather than consider conflict an abnormal deviation.

Once the inevitability and legitimacy of conflict within families is recognized, the way is open to learn efficient and constructive ways of resolving conflicts. Many of the methods cited in the references following PI–8, and those described below are designed to do just that. One of the most important aspects of these methods is that they are intended for normal families. They make no assumptions about psychopathology. Instead, these methods assume that the family members need to learn more efficient methods of solving interpersonal problems and proceed to teach these methods by novel and nonmoralistic behavioral methods. They focus on teaching people *how* to solve problems, not on *what* the solution to the problem is.

Sex Role, Sexism, and Wife Beating

Perhaps the most fundamental set of factors bringing about wife beating are those connected with the sexist structure of the family and society. In fact, to a considerable extent, the cultural norms and values permitting and sometimes encouraging husband-to-wife violence reflect the hierarchical and male-dominant type of society that characterizes the Western world. The right to use force exists, as Goode (1971) concludes, to provide the ultimate support for the existing power structure of the family, if those low in the hierarchy refuse to accept their place and roles. Nine of the specific ways in which the male-dominant structure of the society and of the family create and maintain a high level of marital violence are described in this section.

1. Defense of Male Authority

In the context of an individualistic urban-industrial society, the presumption of superior authority for husbands is a potent force producing physical attacks on wives. This is because, in such a society, male-superiority norms are not clearly understood and are in the process of transition, and because the presumption of male superiority must be validated by superiority in "resources," such as valued personal traits and material goods and services (Rodman, 1972).

If every man were, in fact, superior to his wife in such resources as intelligence, knowledge, occupational prestige, and income, there would be a concordance between the ascribed authority and the individual achievements that are implicitly expected to accompany that authority in individual, achievement-oriented societies. Clearly, that is often not the case, despite the fact that society gives men tremendous advantages in access to these traits and resources. Consequently, many men must fall back on the "ultimate resource" of physical force to maintain their superiority (Allen and Straus, 1975; Goode, 1971; LaRossa, 1975; Straus, 1974b:66–67).

Even if one were to argue that the physical and economic circumstances of past human history made male superiority necessary or reasonable, that is clearly no longer the case. Consequently, we need no longer be burdened with the violence necessary to maintain such a system, and it follows that:

PI–12. Eliminate the husband as "head of the family" from its continuing presence in the law, in religion, in administrative procedure, and as a taken-for-granted aspect of family life.

Although progress is being made in respect to the achievement of husband-wife equality, the idea of the husband as head of the family remains firmly rooted in American culture (See the survey reported in *Parade*, 1971; also Kolb and Straus, 1974). In U.S. Government statistics, the only way a woman can be classified as the head of a household is if there is no husband physically present. There is no provision for listing joint heads of household. It will only be through the continued active pursuit of the goals of the feminist movement that significant change is likely to occur. Moreover, the importance of the feminist movement goes well beyond husband-wife equality because it will be impossible finally to eliminate sexism in the family until it is also eliminated in the society at large.

Although the elimination of sexism in the family is a historical change of vast magnitude, there are aspects within the immediate control of individuals. For example, both for her own protection and as a contribution to the overall policy objective, no woman should enter marriage without its being firmly and *explicitly* understood that the husband is not the head of the family. Unless stated otherwise, the implicit marriage contract includes the "standard" clause about male leadership. Changing this contract after marriage is not only difficult, but gives rise to feelings of having been misled or cheated.

Although there may be objections to introducing these ideas in junior and senior high school classes dealing with the family (as indicated by recent congressional pressure on the National Science Foundation that resulted in ending support for curriculum projects in anthropology and psychology), many local school districts will find such content appropriate. In addition, the women's movement can continue to challenge the implicit support of male-dominant family relations in magazines for young women such as *Seventeen, Bride,* and *Glamour.*

2. *Economic Constraints and Discrimination*

The sexist economic and occupational structure of society allows women few alternatives. The traditional women's occupations tend to be low in pay and low in status. Despite antidiscrimination legislation, women continue to earn about 40 percent less than men. Without access to good jobs, women are dependent on their husbands. If there is a divorce, almost all husbands default on support payments after a short time, assuming they could afford them in the first place. Consequently, many women continue to endure physical attacks from their husbands because the alternative of divorce means living in poverty. Lack of economic alternatives to depending on the husband is one of the three main factors that Gelles (1976) found associated with beaten wives remaining with their husbands. It follows that, for women to be in a position in which they can refuse to tolerate physical coercion by their husbands, it is absolutely essential that there be occupational and economic equality. Consequently, one of the most fundamental policy implications is:

PI–13. Eliminate the pervasive system of sex-typed occupations in which "women's occupations" tend to be poorly paid and the equally pervasive difference between the pay of men and women in the same occupation.

3. Burdens of Child Care

The sexually based division of labor in society assigns childrearing responsibility to the wife. This keeps the wife in the dependent, less powerful position as long as there are small children in the family. If the marriage ends, she has responsibility for rearing the children. But at the same time society does not provide either economic provision for her doing so or child care centers that can take over part of the burden so that she can earn enough to support her children. The combination of occupational discrimination, lack of child-care facilities, inadequate child support from either the government or the father—all coerce women into remaining married even though the victims of violence.

The most fundamental policy implication of the above has to do with the sexual stereotyping of parental responsibilities. Under the present system, a husband does not need to fear that if he beats his wife and the wife leaves, *he* will be responsible for both the care of the child and the need to earn sufficient income. So, a husband can hit (and otherwise oppress) his wife with relative impunity from this possibility. He can be reasonably confident that if she does leave, he will not have the children unless *he* insists on it. Courts are reluctant to award children to fathers in any circumstances. It is no shame for a father to claim that the child will be best off with the mother, but for a mother to assert this is not only shameful, but in many cases will cause the child to be institutionalized or placed in a foster home. Therefore:

PI–14. Reduce or eliminate the sex-typed pattern of family role responsibilities.

As in the case of sexual stereotyping in the paid labor force, interest and ability rather than sex need to be the primary criteria for who does what. Moreover, this is a policy implication which, like that in respect to paid employment, is desirable irrespective of its effect on wifebeating. Just as many (but not all) women will find greater fulfillment through equal participation in the paid labor force, many (but again not all) men will find greater fulfillment than they now experience in equal participation in the household labor force. That possibility is now denied to men because of the shame attached to household work and child care as a major interest for men.

PI–14 is a very long-range type of social change, and we need not wait for that to come about. In the meantime, the entrapment of women in a violent marriage by expecting them to assume responsibility for the care of a child if the marriage breaks up can be addressed by other steps, and particularly:

PI–15. Establish or subsidize a comprehensive and high quality system of day-care centers for preschool children.

Again, this is a policy that is long overdue in its own right, and not just for its potential in preventing wife beating. Such facilities are needed by millions of women who enjoy fully satisfactory marriages.

4. Myth of the Single-Parent Household

Another of the cultural norms that helps to maintain the subordination of women is the idea that children cannot be adequately brought up by one parent. Thus, if a woman is to have children, she must also have a man. To the limited extent that research evidence supports this view, it comes about because of the confounding of poverty and social ostracism with single parenthood.

It seems likely that if social pressure and constraints were removed, most women would want to live with a man and vica versa. Still, there is an important minority for whom this is not the case and who, in effect, live in a state of forced cohabitation "for the sake of the children." Thus, the fact that innumerable and (under present conditions) unnecessary social and economic constraints prevent the single-parent family from being a viable social unit forces many women into accepting or continuing with a subordinate and violent relationship.

5. Preeminence of Wife Role for Women

Under the present system, being a wife and mother is the most important single role for a woman. Indeed, American cultural norms are such that one cannot be a full woman unless married. A man, on the other hand, has the option of investing much or little of himself in the husband-father role depending on his interest, ability, and circumstances. In short, the stigma of being a divorced man is tiny compared to that of being a divorced woman—to which a special term with somewhat immoral overtones has in the past been attached: divorcee. This forced dependence on the wife role as the basis for a respected position in society makes it difficult for women to refuse to tolerate male violence by ending the marriage.

The policy implications of the single-parent household myth, and the dominance of the role of wife in establishing the human worth of women, are difficult to put in specific steps because they call for a broad reorientation of the roles of men and women in our society. One cannot simply attempt to change *these two* aspects of the role of women, important as that is. Change in these two roles, if it is going to occur, is only likely to happen as one part of the process of ending the subordinate and restricted status to which women are still relegated. These two aspects of sexually stereotyped roles are part of an overall configuration that, as will be noted below, tends to define women as children.

6. *Women as Children*

The conception of women as the property of men is no longer part of the legal system of industrial countries. However, elements of this outlook linger on in the folk culture. They also survive in certain aspects of the law, such as the statutes that declare the husband the head of the household and give him various rights over his wife, like the right to choose the place of abode, to which the wife must conform.[a] In addition, there is the related conception of women as "childlike." In combination, these aspects of the sexist organization of society give husbands a covert moral right to use physical force on their wives analogous to the overt legal right of parents to use physical force on their children (see Gelles, 1974:58).

The implications for wife beating of these three aspects of the sexist structure of the society and the family (plus others that cannot be included here for lack of space) suggest that the most fundamental policy implication of all those put forth in this paper is that:

PI-16. Full sexual equality is essential for prevention of wife beating.

At this point it is necessary to make clear an important limitation to much of what has been said. Sexual equality by itself is almost certainly *not* going to end conflict and violence between husbands and wives. It will reduce or eliminate *certain types* of conflict, but at the same time create new types of conflict. Issues that are *not* now the subject of disagreement in millions of families—such as who will work for wages and who will be in the household labor force, or more specific issues such as who will do the laundry—can no longer be determined by subscribing to the pattern of family roles that has been worked out over the centuries. Rather, they become open questions over which severe conflict can arise. It is by no means inconceivable that *neither* partner will want to be in the paid labor force and that *neither* will want to do the laundry. Consequently, a reduction in the level of violence also depends on couples having the interpersonal and conflict-management skills necessary to cope with and realize the benefits of a less rigid type of family system. Millions of people lack these skills and almost all of us can improve them.

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[a] It is pertinent that even in a State known for its social and familial experimentation, as recently as in 1971, the California State Bar Association voted *not* to repeal this legislation (Truninger, 1971:276).

In addition, it will be shortsighted and dangerous to overlook the fact that freedom too has its costs. Freedom and flexibility in family patterns and sex roles remove some of the most important points of stability and security in life. These are costs that not everyone finds worth the benefits. Erich Fromm's classic book *Escape from Freedom* (1941) was concerned with far more than issues of why fascism had such wide support. At the other end of the continuum, the opposition of millions of women to the equal rights amendment and the feminist movement reflects the anxiety that many women feel over the possible loss of familiar and stable guides to life. Therefore:

PI–17. As the society eliminates fixed sex roles, alternative sources of stability and security in self-definition will be needed.

Part of these needed social anchoring points will come from occupational identification that, in the past, was difficult or impossible for women. This difficulty was not only because so few women were in socially valued occupational roles, but also because for a *woman* to be highly identified with an occupation raised doubts about her familial commitment, her love for her husband and children, and her femininity. But occupation as a source of identity and self-esteem has its limits. There are vast numbers of occupations that are unlikely to be valued as a means of establishing a personal identity—either by men or by women. Fortunately, there are other roles and identities that can give life to the needed structure and social integration—particularly roles in relation to the community, special purpose groups, and the larger kin group. These will be discussed later. But before doing that, two final aspects of sex roles need to be considered.

7. *Compulsive Masculinity*

Talcott Parsons (1947) suggested that in modern industrial societies the separation of the male occupational role from the family and the predominance of the mother in childrearing creates a fundamental difficulty for males in respect to achieving a masculine sexual identity:

> The boy has a tendency to form a direct feminine identification since his mother is the model most readily available and significant to him. But he is not destined to become an adult woman. Moreover, he soon discovers that in certain vital respects women are considered inferior to men, that it would hence be shameful for him to grow up to be like a woman. Hence when boys emerge into what Freudians call the "latency period," their behavior tends to be marked by a kind of *compulsive masculinity.* Aggression toward women who "after all are to blame," is an essential concomitant (Parson, 1947:305).

Similarly, Parson's analysis also suggests that the origins of *female* aggressiveness to be partly found in the particular structure of the family in industrial society and why much of this aggressiveness is focused against men—especially husbands—as the agents of women's repressed position in society.[a] The climate of mutual antagonism between the sexes that is partly an outgrowth of the factors described by Parsons provides a context that is not only conducive to attacks by husbands on wives but probably also underlies a number of other related phenomena, such as the growing evidence that in many instances "rape is a power trip, not a passion trip" (Bart, 1975:40; Brownmiller, 1975; Burgess and Holmstrom, 1974). Moreover, as in the typical homosexual rape in prisons (Davis, 1970), the degradation and humiliation of the victim is often a major motivating force.

The female side of the pattern epitomized by the phrase "compulsive masculinity" can be called "compulsive femininity." Part of compulsive femininity is represented in the *Total Woman* (Morgan, 1973), but also, and probably far more typically, it is the internalization of the "women as children" social definition in the form of negative self-image.

8. *Negative Self-Image*

Under the present social structure, women tend to develop negative self-images, especially in relation to the crucial trait of achievement (Horner, 1972). As a consequence, they may also develop feelings of guilt and masochism that encourage toleration of male aggression and violence and, in some extreme cases, to seek it. Full sexual equality would eliminate this as a sexually structured pattern of behavior, even though it may remain on an individual-to-individual basis.

Since compulsive masculinity and its associated violence, and compulsive femininity and its associated negative self-image, are patterns growing out of the experiences of men and women from early childhood on—and particularly the differences in the way boys and girls are socialized for their respective sex roles—it follows that:

PI–18. Parent-child interaction, parental expectations, and all other aspects of socialization should not be differentiated according to the sex of the child.

9. *Male Orientation of the Criminal Justice System*

Not only is much male violence against wives attributable to the sexist organization of society, but the crowning blow is that the male-oriented organization of the criminal justice system virtually guarantees that few women will be able to secure legal relief. There is often difficulty getting even basic physical protection, as is graphically shown in the following instance (*New York Times*, June 14, 1976):

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[a] See the discussion of the sex myth in Steinmetz and Straus (1974: 10–13) for other ways in which the pattern of male-female relationships built into the society helps to create antagonism between the sexes and hence the association between sexuality and violence.

> It was about 4 o'clock in the afternoon when a call came into the 103rd Precinct station house in Jamaica, Queens, from a woman who said her husband had beaten her, that her face was bleeding and bruised. She thought some of her ribs had been broken.
>
> "Can you help me?" she pleaded to the police officer who answered the phone. "My husband's gone now, but he said he would come back and kill me." She was also frightened, she said, that he would start beating the children when he returned.
>
> "It's not a Police Department thing," the officer told her. "It's really a family thing. You'll have to go to Family Court tomorrow. There's nothing that I can do."

But even if the women were to go to family court, unless she has unusual understanding of and ability to manipulate the system, there will often be a 3-week delay before her request for a "peace bond" or an "order of protection" comes before the judge. Such orders are, therefore, of no greater help than the police officer just cited in securing immediate protection from another assault. Even without these delays, many women cannot attend court because of the absence of child-care arrangements during the long hours of waiting for a case to come up and the frequent repetition of these days when the case is rescheduled.

Among the many other impediments to securing legal protection against assault by a husband are (a)immunity from suit by one's spouse; (b) the requirement that, even though there is abundant physical evidence, the police officer must witness the attack before an arrest can be made; (c)the frequent failure of police to arrest even when they do witness an assault; (d) the "cooling out" by police, prosecuting attorneys, and judges of wives who attempt to bring complaints; and (e) the refusal to make an award by public compensation review boards (even in cases of permanent disability) if the injury was inflicted by the husband (Straus, 1976).

PI–19. Eliminate from the criminal justice system the implicit toleration of wife beating that comes about through statutory and common law; attitudes of the police, prosecutors, and judges; and through cumbersome and ineffective procedures that make even the available legal remedies and protection ineffective.

Some movement in the direction of PI–18 is now taking place, but it is far from a general trend. Change in the legal system tends to take place where it is taken up as a priority activity by well-organized feminist groups, as in the "NOW Wife Assault Program" in Ann Arbor, Michigan (Fotjik, 1976; Resnik, 1976), or in the occasional enlightened police department that recognizes the need to reorient its mode of coping with "family disturbance" calls (Bard, 1975).

Economic Frustration and Violence

American society, like most societies, is one in which, from early childhood on, people learn to respond to frustration and stress by aggression. This is not an inevitable biological fact, since there are a few societies in which people learn to, and typically do, respond to frustration in other ways. Nevertheless, that is how things are in this society. That is also the way they are likely to remain in the foreseeable future. For this reason, and also because it is a desirable national objective in its own right, social policy should give high priority to enabling as many as possible to avoid situations of extreme frustration of important life goals. This is by no means the same as attempting to create a life without frustration. Such a life, even if it were possible, would be empty. It would probably also be a source of violence in itself (see the discussion of the "Clockwork Orange" theory of violence in Gelles and Straus, 1977). However, a major blockage of a critical life goal is quite another thing.

There are many critical life goals that are (or perhaps should be) beyond the realm of social policy to facilitate. But a goal on which there is high consensus, as well as a high possibility of achieving change, is the provision of a meaningful occupational role and an adequate level of income for all families.

In industrial societies the husband's position of leadership is based on the prestige and earning power of his occupation. Consequently, if the husband is unemployed or does not earn an amount consistent with other men in the family's network of associates, his leadership position is undermined. Data from a study by O'Brien (1971) show that when this happens, husbands tend to try to maintain their superior position through the use of physical force. Data from my study of the parents of university students show that the percentage of husbands who struck their wives in the last year ranges from a low of 4 and 7 percent for those whose wives are almost completely or completely satisfied with their family income up to 16 and 18 percent for those whose wives are slightly satisfied or not at all satisfied. There is also evidence that assaults on wives go up with unemployment (*Parade,* 1971:13; Straus, Gelles, and Steinmetz, 1978).

In discussing the roots of wife beating in the sexist organization of the family, it was pointed out that, if husbands no longer had the burden of being the "head of the family" and the main "breadwinner," they would not need to call on the ultimate resource of violence to maintain that position in situations where the wife is more competent, earns more, or has a more prestigious occupation. The same reasoning applies, and perhaps even more strongly, when the husband is unemployed. Clearly, the most fundamental change needed is male liberation from the bounds of traditional sex roles. But at the same time, we can also pursue a policy that, aside from its intrinsic worth, is also likely to reduce wife beating. It is stark in its simplicity and powerful in its effect on human welfare.

PI–20. Full employment for all men and women in the labor force at wage levels consistent with the standards of the society, and a guaranteed income for those unable to work.

Aside from its impact on wife beating through avoiding one of the most severe frustrations that a person can experience in an industrial society, and through bypassing issues of power within the family, full employment can also exert a powerful effect through its consequences for self-esteem. Kaplan (1975) has shown that the lower an adolescent's self-esteem, the greater the likelihood of his being violent. His data further suggest that this is because boys low in self-esteem seek to achieve recognition from others through violence. This, of course, is tied in with the tendency to equate masculinity with aggressiveness. Consequently, when there is lack of recognition through achievement in school, in sports, or in an occupation, males can and do tend to demonstrate their "manhood" through violence. Again, the more fundamental policy objective is to change the definition of masculinity. But as long as that definition continues to be a part of our culture, full employment can help avoid invoking this aspect of "manhood" by providing meaningful employment as a basis for self-esteem.

A more radical approach to this aspect of the relation between economic frustration and wife beating focuses on what critics of American society see as the inhuman occupational and economic system itself. Such critics are not opposed to full employment. What they oppose is an economic and social system that hinges human worth on earnings and competitive occupational achievement. As long as such a system prevails, the vast bulk of the population is denied the possibility of securing an adequate level of self-esteem because, by definition, only a minority can be at the top in occupational prestige and income. In addition, the striving to get to the top pushes more human values to subordinate positions. Ties of friendship, kin, and community, for example, are regularly sacrificed on the altar of moving to get a better job or to accept a promotion. Consequently:

PI–21. Reduce the extent to which society evaluates people on the basis of their economic achievements and the occupational and economic competition that this entails.

The implication of PI–21 is not the end to all competition. Competition can be pleasurable *if* one can choose the arena of competition and if there is a reasonable chance of winning. Rather, it suggests the need to end the forced and (for most of the population) no-win competition that now characterizes our occupational-economic system.

IV. Immediate Treatment Steps

The emphasis in this paper has been on prevention rather than on what a specific woman can do when she has been beaten. Most of the preventative steps are relatively long term and also beyond the resources of a single person. I have stressed these seemingly impractical things because of a belief that they *are* practical. In fact, preventative approaches that do not include the types of actions outlined in this paper are not getting at the fundamental causes—they are a Band-Aid approach.

But a focus on changing the fundamental structural causes does not mean that we should ignore the desperate and immediate situation in which millions of women find themselves. Their need is urgent. Consequently, this section is devoted to steps that are applicable to specific individuals. A summary of these steps is given in table 3. Some of these steps parallel or complement the preventative policies covered up to this point, except that they are things that an individual woman may have within her power to carry out. Others are steps that can be taken by communities and local groups. Although the steps that an individual wife needs to take are in this section, and the steps that groups and communities need to take are in the section that follows, this is merely for convenience in presenting things. In actuality, the two sets of steps are closely connected and one depends on the other. In fact, there are some grounds for misgivings over implications of the title of this section, since in a large proportion of cases there does not seem to be anything a beaten wife can accomplish unaided.[4]

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[4] The "Catch 22" situation that a beaten wife faces is well illustrated in Martin (1976) and by the following section of a letter from Katherine G. Lynch, director of the Victims Advocate Program, Dade County, Florida (written as a commentary on a preliminary version of this paper):

> I am sure you are well aware of the obstacles facing the woman who tries to follow your suggestion on "What can a Battered Wife do." At present in Dade County her frustration and conviction that she has no viable alternatives would be strongly reinforced 95% of the time. Friends, neighbors and nearby relatives will often only help one or two times, if then: they frequently blame the woman for not "making" the marriage work and are afraid the husband/boyfriend will turn on them if they "interfere." (It's a realistic fear: they occasionally get pretty threatening with our staff.) Legal Services here cannot even do intake on domestic cases for two months, because of funding problems. Legal Aid—as you stated—declares all women with working husbands ineligible because of their husband's income. A restraining order is very difficult to get, and usually does not permit incarceration for violation, but rather necessitates another court hearing several weeks away. So far in our experience very few cases have gotten past the preliminary level: in those few the defendant was acquitted or placed on "misdeameanor probation," for which in Florida there is no staff assigned. The woman who tries to get a job is often beaten by her mates for so doing, either at home or on the job, or he otherwise harasses her at work until she loses the job. The whole situation is so frustrating and volatile that it's no wonder most of the "professional helpers" try to turn their backs on it.
>
> I appreciate your efforts to help the battered woman find her way through the maze, but

TABLE 3
Summary of Actions that Can Be Taken to Deal with Specific Cases of Wife Beating

I. What A Battered Wife Can Do

1. Get help
2. Cancel the hitting license
3. Be prepared to leave
4. Get a job
5. Don't wait
6. Problem-focused assertiveness
7. Leave or take legal action

II. What Other Persons And Groups Can Do

1. Task force on wife abuse
2. Hotlines and support groups
3. Safe houses
4. Legal aid
5. Public assistance
6. The police and wife beating
7. Therapeutic intervention

What Can A Battered Wife Do?

1. *Get Help*

The odds are strongly against any woman who tries to cope with wife beating on her own. The husband holds most of the cards: the house, for all practical purposes, is his; psychologically, he typically holds the upper hand because women are conditioned to regard the success of the marriage as their responsibility; morally, the status of women as semichildren implies the right of husbands to punish errant wives, so that almost all women who have been hit by their husband ask the irrelevant question "What did I do wrong?"

Since wife beating is primarily a social problem—i.e., a socially patterned type of behavior—the best source of help is from persons or groups committed to change the sexist structure of the family and society. Therefore, a feminist group, even if it is not explicitly concerned with wife beating, is likely to be immensely important in helping the beaten wife to regain the psychological and moral

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am concerned she will blame herself when fails—and reinforce her own poor self-image both in her own eyes and in those of the public—instead of working with others to try and change the larger patterns. . . .

initiative necessary to change things. If one is lucky enough to live in a community with a "refuge," "shelter," or "safe house" for battered wives, that is obviously the place to go for information and psychological support, even if there is no immediate plan to use the physical facilities. "Hotlines" are being set up in a growing number of communities by women's groups, some of them specifically focused on wife beating. In New York, Abused Women's Aid In Crisis (AWAIC) operates such a service and serves as a national clearinghouse for information and referrals (AWAIC, 1976).

There are also a number of other possible sources of assistance such as a local branch of the Family Service Association of America; a private psychologist, psychiatrist, or social worker—provided they are trained in marriage counseling (as indicated, for example, by membership in the American Association of Marriage and Family Counselors); a minister, priest, or rabbi, or a church-affiliated social service organization. However, considerable caution is needed in respect to all of these traditional human service agencies because, besides being traditional sources of help in the sense of being long established, they also tend to be traditional in the sense of an explicit or implicit commitment to a partriarchal family system.

Finally, in addition to such formal sources of help, it is important to get advice, assistance, and hopefully also moral support from friends, neighbors, and relatives. Avoiding the involvement of such people is part of the husband's psychological advantage because it insulates him from shame and from criticism of his behavior. Sooner or later they are going to find out in any case. In the meantime, the beaten wife has lost the psychological and moral support that they might provide and also their assistance in the form of specific suggestions, help in settling disputes, and often a place to go for physical safety. Even if the advice is worthless, and the moral support not forthcoming, just the act of getting the issue into the open can help to create the psychological readiness to take the initiative for whatever steps are necessary.

2. *Cancel the Hitting License*

A beaten wife cannot wait for the norms of the society to change so as to redefine marriage as not including the unstated right to hit. Nor can she do it unaided. Assistance in bringing about this redefinition is one of the most important reasons for involving others. Having brought the issue into the open, and hopefully with their support, she can make clear that the use of physical force by a husband (or wife) is *never* justified and will not be tolerated.

Part of this is the need to keep clear the difference between a conflict and how one settles conflicts, and between being wrong about something and how one changes the behavior of the person who does something wrong. Even if the classic complaints of being a "nagging wife" or a "lousy housekeeper" are correct in a particular case, that no more justifies a beating than being a "griper" or a "slacker" at work. In this connection, it is important to realize that friends, neighbors, relatives, *and therapists* often start by trying to find out who or what is wrong. A beaten wife must reject that approach, even though these issues must ultimately be faced. Whatever else is wrong, all parties must acknowledge that hitting is wrong. So an essential first step is to make clear that, irrespective of who is at fault, the use of violence is unacceptable.

3. *Be Prepared to Leave*

The redefinition called for above is unlikely to come about unless the wife also makes clear that she can and will leave if the new definition of marriage is violated. Leaving, rather than violence, must become the ultimate sanction for both parties to a marriage. But this should never be done as a bluff.

One has to accept the fact that, if it comes to that, it is better to live in poverty, or live with whatever other burdens the end of the marriage brings, than to be beaten. Consequently, an essential part of the process of ending wife beating is to plan ahead for this eventuality. Without such plans—that is, without a specific place to go—the threat of leaving is basically a bluff and one that will be so perceived by most husbands and therefore ignored, with a consequent worsening of the situation.

4. *Get a Job*

Plans to leave, should the need arise, do not just involve a physical location. A critical element is some means of support. Public assistance is the right of a woman who has been driven from her home by her huband's violence and one must be prepared to use this method of support. But it is better to provide for oneself. In fact, getting a job, even if this is at the expense of other things that are highly valued, is probably as important a step as can be taken. It serves to further validate the threat to leave if violence occurs. It serves to bolster the resolve of the wife so that she is more likely to take other needed steps which could prevent having to actually leave. It avoids the choice between two undesirable states of dependency: the husband or the state.

But what about the wife who has no marketable skills or has young children? This question points up precisely the reason why threats to leave are typically ineffective. If that is the case now, will it be any different after the next beating? Obviously not. So the issue must be faced immediately. It is better to start any needed job training at the very beginning, or to get started with what jobs there are at the very beginning, or to set up child-care arrangements at the beginning. All will be more difficult later, and in the meantime lack of a job undercuts other steps.

5. *Don't Wait*

It is important that the situation be faced immediately—at the very first slap. If the first slap or beating has occurred, don't wait until the next one, especially in the hope that there will not be a next time. There will be a next time. All the available evidence shows that the frequency of hitting and beating does not decrease with age. So the attacks are most likely to continue—or increase—unless steps are taken to alter the pattern. Recognizing this simple statistical fact is, by itself, an important part of the overall process of ending wife beating because so many women endure their situation in the false belief that he will grow out of it.

6. *Problem-Focused Assertiveness Versus Catharsis*

A dangerous aspect of one wing of the "encounter group" movement, which has its parallel among a number of marriage counselors and writers of marital advice books, is represented in Bach and Wyden's *The Intimate Enemy* (1968). Bach and Wyden urge their readers to drop "outmoded notions of etiquette" and ventilate their anger. During one group session he urged the women participants: "Don't be afraid to be a real shrew, a real bitch! Get rid of your pent-up hostilities! Tell them where you'r really at! Let it be total, vicious, exaggerated, hyperbole." (Howard, 1970:54).

Although Bach and Wyden's book has disclaimers to the contrary, the overall message of the book as I read it urges wives to do just what the quotation suggests. This advice is based on a "catharsis" or "ventilation" theory of aggression control. That theory starts with the assumption that all of us have built into our nature a greater or lesser tendency toward aggression that somehow must find expression. If we attempt to repress this deep, biologically based motivation, it will only result in a more destructive explosion of the innate aggression drive at some later time.

Unfortunately for those who have acted on such advice, almost no empirical research with any pretense of scientific rigor supports the theory, and much of it shows the reverse: that opportunities to observe or to be aggressive tend to produce *greater* subsequent levels of aggression and violence (Berkowitz, 1973, Hokanson, 1970, Steinmetz and Straus, 1974, Straus, 1974), In general, aggression against another (either verbal or physical) tends to (a) produce counter aggression; (b) impede getting to the real problem; and (c) if it does succeed in squelching the other person, reinforce the use of aggression as a mode of interaction.

There is, however, a kernel of truth underlying the "let it all hang out" and "ventilation" approaches to marriage. It hinges on the difference between assertion (standing up for one's interests) and aggression (acts carried out with the intention of hurting the other). Assertiveness is essential. But one can be assertive without being aggressive (although always with the risk of aggression being imputed). For example, the critical first steps of "getting help," "cancelling the hitting license," and "making clear that one is prepared to leave" are all highly assertive, but nonaggressive acts. Second, assertiveness is vital if there is to be any hope of correcting the problem over which the violence occurs. If it is conflict over the children, sex, money, or how the household is run, then these issues must be faced.

Procedures for rational conflict resolution of the type just outlined, often combined with systems for rewarding occurrences of desired behavior, are the focus of much of the recent "marriage encounter" movement (Koch and Koch, 1976, Mace and Mace, 1974) and of "behavioral" therapists such as Blechman *et al.,* (1976a, b), Patterson (1975), and a number of others who are represented in the chapters of an important new book on *Treating Relationship* (Olson, 1976; see also Jacobson and Martin, 1976). One can say that a focus of these approaches to "treating relationships" is the improvement of interpersonal skills, including assertiveness, so that the legitimate interests of all parties can be optimized. This type of therapy may also have the advantage of being less threatening and more attractive to husbands. In accordance with prevailing masculine role models, men are more reluctant than women to have their childhood or present emotions and psychological status hashed over, as in the traditional "insight" therapy. They prefer to deal with actions and results more than history and personality, and these are precisely the foci of the new marriage encounter, marriage enrichment, and marriage counseling approaches.

7. *Leave or Take Legal Action*

In an unknown, but certainly not small, number of instances the type of steps just outlined will be ineffective. In that case a woman probably has only three choices: either leave, take legal action, or some combination of the two. All of these are extremely complex and uncertain. The seeming simplicity of leaving overlooks vast differences in how that act is defined and perceived. If it is an implusive running out of the house to some highly tenuous alternative, husbands will realize that their position is not at all jeopardized. Then, with the typical return home, the beatings resume, though perhaps not immediately. Almost all of the 100 women studied by Gayford (1975), for example, had left at least once, many repeatedly. When a wife returns under such circumstances, it probably strengthens the husband's hand because he now realizes more than ever that she truly has no long-term alternative.

Even a departure that is *intended* to be temporary must be defined in this way in advance, along with an indication that the wife's return will be *her* choice—her decision to give him another chance. Such a definition of the situation will only be believeable if it is truly within the wife's power not to return, and the husband knows this. This is part of the reason for the emphasis a few paragraphs back on making specific plans to leave at the very beginning. Any putting off or any concealment of such plans is likely to so seriously undercut a wife's position that other things may be irrelevant.

As for legal steps, a number are available, but all are difficult and uncertain because the judicial system is focused on "preserving the family" rather than protecting wives from physical injury. In fact, at a number of crucial places, the law gives priority to the former (Straus, 1976). Moreover, even when legal actions are initiated, so many are dropped by the complainant that this provides a ready excuse for the police, prosecuting attorney, and judges to follow their "natural" inclinations of treating wife beatings as "domestic disturbances" (i.e., not really a crime) rather than as assaults. This in turn sets up a vicious circle. Since the cases are defined as not really crimes, or as crimes not likely to be successfully prosecuted, women are discouraged from filing charges and encounter footdragging when they attempt to pursue such charges. As a result, many who would bring charges if not dissuaded, or who would follow through if obstacles and footdragging did not occur, do not. Even attorneys employed by beaten wives tend to follow this pattern. Consequently, for legal steps, as for almost everything else, the assistance of a feminist group, and if possible a feminist-oriented lawyer (male or female), may be critical. Assuming that such assistance can be found (or for a woman with sufficient determination, without it), the main legal steps have been well summarized by Clasen (1976):

> *Criminal Charges.* She may choose (in some States) to prosecute the assailant under the criminal laws of the State. Once a complaint has been filed, it is very important to follow through with all the court proceedings. There will usually be a court appearance to authorize a warrant for a criminal charge, arraignment in the District Court, a preliminary hearing and the trial. In felony cases there will also be an arraignment in Circuit Court and a trial.
>
> Not following through on a court case is an invitation for further abuse. Following through the verdict establishes to the assailant and to the world that further violence will not be tolerated.
>
> *Civil Suit.* She may choose a divorce or legal separation. The help of a private attorney or Legal Aid must be enlisted. When papers are filed for divorce, a restraining order can be included to order

the assailant to "desist and refrain from beating, annoying, molesting, physically abusing, or otherwise interfering with the personal liberty of the other" during the divorce proceedings, usually six to eighteen months. If the assailant disobeys this restraining order, the police can pick him up and put him in jail.

Civil Commitment. The possibility of a mental illness commitment may be pursued if the assailant is mentally ill and dangerous to himself or others. If this is the client's chosen route, she must familiarize herself with Community Mental Health Services and the Probate Court commitment procedures. NOW will asist in making contact with Community Mental Health to arrange for psychiatric assessment and help from Court Services.

A wife assault victim may use all the resources available to her. She may, in fact, do "all of the above" in an effort to end violence perpetrated against her, or she may decide to do one or two of these.

What Can Others Do?

Just about every step suggested for women who have been beaten has a counterpart in steps that are needed by feminist groups, the legal profession, and human service agencies, and individual practitioners if real progress is to be made. To leave it to a lone woman to buck what amounts to the institutionalization of family violence by an entire society is both cruel and unrealistic, despite occasional successes. Each of the groups just listed, plus every individual citizen, needs to push for the type of policies outlined earlier in this paper. But in this section I will discuss only those steps that are intended to assist specific wives, rather than the longer range changes needed for a truly preventative approach.

1. *Task Force on Wife Abuse*

Generalities that are stated as the result of social science research have little meaning for the average citizen. They are not impressed by a rate of so and so per 1,000 of the U.S. population. They *are* impressed when *X* or *Y* number of cases are uncovered in their own community. So a first job for such a task force is to start building public awareness and raising public consciousness through a local survey such as those recently done in Flint, Michigan (Flynn, 1975), or Saint Paul, Minnesota (Zagaria, 1976). These need not be elaborate, nor do they have to fit the criteria of scientific sampling. They simply need to demonstrate that there are lots of women being beaten and possibly right next door.

A second job of such a task force is to use this information to mobilize existing human service agencies in so far as this is possible. It can provide a basis for establishing a policy that public assistance will be given to women who leave home because of violence, rather than forcing an individual woman to make the general case as well as her specific case. It can encourage the police to explore inservice training for more effective and realistic handling of wife beating cases. It can sensitize social service agencies to the need for dealing with the problem. Finally, it can help muster the public support needed to set up new channels for dealing with wife beating.

2. *Hotlines and Support Groups*

The difficulty, and often the impossibility, of a woman's coping with a violent husband without psychological and moral support has been stressed at so many places in this paper that no further elaboration is necessary here. Information on the nearest hotline or support group can be obtained from AWAIC (1976) or National Organization of Women (NOW, 1976).

3. *Safe Houses*

If all women had the understanding of the general situation and of the steps outlined in the previous section, emergency shelters or safe houses might only rarely be needed. But the situation is just the reverse. Consequently, in my opinion, the most important single step that a community group can take is the establishment of such a house. This provides the only realistic way out for large numbers of women. Moreover, it can also serve an important educational and consciousness raising function. The fact that there is a whole house full of women and children whose own homes are not safe to live in is dramatic. It can help pave the way for public support of other immediate steps as well as the longer range preventative steps. In this connection, even if it is decided to keep the address of the house confidental as a security measure, the activities of the house should be given maximum publicity. Every untoward event should be reported to the media, including the difficulties created by zoning rules and by antagonistic or footdragging public officials. In fact, one might almost wish for a certain amount of legal and bureaucratic troubles, or even a threatening husband, as occasions for statements before a city council and articles in the newspaper and on TV.

4. *Legal Aid*

The term legal aid usually means legal services for people who lack the money to employ a lawyer. That certainly applies to large numbers of abused women. Ironically, legal aid is often denied such women because, in most areas, a woman is not eligible if *her husband* has a regular income, even though she has no way of getting a share of that income without legal aid. There is also a need to create a more sympathetic understanding and sufficient commitment to the issue by lawyers so that they will persist despite unsympathetic prosecuting attorneys, judges, and juries and to a considerable extent, a legal system that is stacked against providing protection or relief for beaten wives. Despite these impediments, the legal system can be an effective tool. So there is need for a legal counseling, at least as a supplement to private lawyers and to the usual legal aid lawyer.

A momentous step toward providing women with legal protection against assault by their husbands began as this paper was written. A group of 12 repeatedly beaten women in New York City initiated a class action to require that the police, court officers, and judges comply with the provisions of existing statutes that have so long been flouted (*New York Times*, Dec. 8, 1972:2; Dec. 12, 1976:73). The suit charges that the police not only refuse to arrest abusive husbands in most cases, but also that they do not tell the wives that they are entitled to make a citizen's arrest with the aid of the police. The police also decline, according to the suit, to give the women medical assistance and protection by removing abusive husbands from the house. State laws mandate all of these. The suit also states that battered wives are frequently told incorrectly by Family Court personnel that they must take advantage of the court's family counseling services before seeking legal help.

5. *Public Assistance*

Since a major reason why battered wives remain with their husbands is their financial dependence on them, the availability of public assistance as an alternative to being beaten must be established in the mind of both public assistance officials and the general public. Often it seems as though a beaten wife is not eligible because eligiblity depends on having already established a separate residence. But this is a matter of administrative procedure, not law. Homeless *male* vagrants are given food and shelter, and the same can be done for women who are homeless because of being driven out to protect physical safety. Moreover, this assistance needs to be available immediately, rather than at the end of administrative and investigative procedures that often take 3 to 6 months.

6. *The Police and Wife Beating*

The work of Morton Bard of the City University of New York with the New York City and other police departments has shown that it is possible to change the typical role of the police in wife beating cases (Bard and Zacker, 1976). The typical role is to intervene to control the immediate physical conflict, to avoid arrest, and, perhaps unintentionally, to give implicit legal approval to the wife beater. The implicit approval occurs partly because many policemen think that a husband does have a right to hit his wife, provided the injury does not require hospitalization. This manifests itself in many subtle ways. Among the less subtle of these are focusing almost entirely on quelling the disturbance and almost never mentioning the fact that assault is a crime. It also manifests itself in the difference in what the police offer to do for the husband and for the wife. After the "disturbance" has been stopped, if the wife is concerned with her safety, they do not offer to help the husband leave. It is assumed to be *his* house. Consequently, even though it is the wife who has been attacked, they offer to help *her* pack and leave. To top it off, there are instances in which wives who fled to a neighbor's house being refused police protection to reenter the house to obtain their belongings because the officer felt he had no right to enter "his" house.[8] They rarely attempt to mediate or help resolve the conflict or make referrals to human service agencies, and even more rarely offer to assist the wife in pressing charges. In fact, as previously noted, the police usually try to argue a wife out of pressing charges.

Bard's program focuses on training police officers to do more then just separate the couple. Officers are given an understanding of why conflict and violence in the family are so common, how to help a couple address the underlying problem, and also to make referrals to appropriate human service agencies. It is essentially a crisis intervention training program. Experience with the program to date suggests that it has helped the families involved since: "In the 22 months of operation of the Family Unit. . .there has not been a homicide in any family previously known to the unit. While family homicides in the precinct increased overall, in each case there had been no prior police intervention." (Bard, 1971). Moreover, the 18-man family unit, although exposed far more to the dangers inherent in family disturbance calls, sustained only one minor injury.

Bard has prepared a comprehensive training guide (1975), including materials for role-play training of police officers, performance evaluation forms, etc. This is supplied on request to the Law Enforcement Assistance Administraton. So the program is available to be implemented by other departments.

7. *Therapeutic Intervention*

Just as wife beating was ignored by academic researchers in psychology and sociology until quite recently, there has been a similar gap in clinical practice. Actually, it is worse than a gap because under the influence of Freudian theory, psychiatrists, clinical psychologists, and social workers have tended to focus attention on such things as presumed aggressive "drives," acting-out of impulsive "needs," and female masochism. In short, to the minor extent that wife beating has been dealt with clinically, it has been through attempting to diagnose and treat sick persons rather than sick *relationships.* As previously noted, recent developments have moved the field of marriages counseling to just such a focus on relationship. Nevertheless, as of this writing, little has been published on the specific marriage counseling methods to be used for husband-wife violence. But a start has been made. Several family service agency conferences were held in 1976 (for example, by the Family Service of Detroit and by the Jewish Family Service of New York) and one paper detailing specifics is in press (Saunders).

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[8] Even in those jurisdictions that do not vest property in the name of the husbands, and do not give husband the legal right to determine the domicile of the family, the fact that the law does not protect a woman from the use of force by the husband (unless a weapon has been used or the wife needs hospitalization) effectively gives him these rights.

Marriage counseling is undergoing a tremendous growth. It may be the fastest-growing type of clinical service in this country. Considering the large population now served and the prospects for an even larger clientele in the immediate future—most of whom will have been involved in at least some violent incidents—the scope for a meaningful contribution to the elimination of wife beating is evident. However, this potential contribution is not likely to take place unless therapists come to see wife beating as primarily a problem of social relationships (especially power) rather than of mental illness. Marital therapy to deal with wife beating must focus on treating the relationship. Of course, psychological problems such as damage to the wife's self-esteem and sense of adequacy, do often accompany wife beating, and the counselor can provide valuable assistance to these women.

The importance of therapy focused on reorganizing the pattern of husband-wife relationships is stressed because, as previously noted, marriage counseling still seems to be dominated by psychoanalytic and other "insight"-type therapies focused on the presumed deep psychological problems of the partners. At best such treatments are likely to be ineffective. More usually, they divert attention from the here-and-now issues that must be resolved. At worst, traditional therapy tends to reinforce the society's penchant for blaming the victim—the wife—rather than the husband or the relationship. This is most apparent in the use of such concepts as "female masochism," and in a subtle and usually unintended (but nonetheless powerful) encouragement of women to follow traditional, passive-accepting female roles (Chesler, 1972). Perhaps the direction in which treatment of wife abuse cases needs to go can be best illustrated by comparison with the treatment of the closely related problem of child abuse.

The still predominant method of treating child abuse is insight-type psychotherapy and, if this fails or is not available, removing the child and punishing the parents by fine or jail. This approach is slowly being replaced by programs that, instead of trying to reorganize the personality of the abusing father or mother, teach parents how to "parent" and thus to avoid the kind of situation that leads to child abuse. The same shift in emphasis is called of less extreme husband-wife and wife-husband violence of which wife-beating is the most dramatic manifestation. That is, the treatment steps must continue to include psychotherapy or psychological support and must continue to include the wife's removing herself, as well as prison for ultimate mode of coping with the child abusing parent. But the more fundamental solution lies in changing the five aspects of the social structure discussed in this paper and the interpersonal skills that will enable them to negotiate the inevitable differences and frictions that arise in marriage, and hence to avoid the escalating sequence of events that leads to physical violence.

Changing a phenomenon as deeply embedded in the social system as wife beating is a vast undertaking. So many things are needed that one almost does not know where to start. In fact, a realistic approach recognizes that there is no one place to start. Rather, a broad public awareness and commitment to change is necessary so that individuals and groups in all spheres of life can attend to changes in each of these spheres. For example, change in the legal and law enforcement system will not by itself end wife beating. But the police, lawyers, judges, and legislators can act to remove some of the many barriers that now prevent women from receiving legal protection from beatings. Thus, in most States, unless the assailant uses a weapon, the police cannot make an arrest, even if the wife is obviosly injured and the husband makes no attempt to deny her charges. (She can, however, make a "citizen arrest" and insist that the police help her—provided she has sufficient presence of mind, self-confidence, and determination, and some place to hide when the husband is released from jail an hour or two later! The law concerning the evidence needed to make an arrest for wife beating can be changed, just as laws regarding the evidence needed for a rape conviction have recently changed. Similarly, the fact that putting a husband in jail deprives the wife of her means of support is often pointed out to women and is one reason so few severely beaten wives press charges. But this need not be the case in those States where a prisoner can be released for employment during working hours, and in other States such laws could be enacted—if the society were truly determined to end wife beating.

V. Research Needs

Until recently wife beating has been the victim of "selective inattention" on the part of both the general public and the research community. Thus, almost any aspect needs investigaton. Even those few aspects that have been studied remain in doubt because of the inevitable limitations of any one investigation, especially since this is a new field of research that lacks a background of well-proven methods and theoretical approaches to the problem. For example, earlier in this paper I provided statistics on the frequency of wife beating based on the first large and representative sample of couples. But it will be recalled that a number of limitations to that data had to be pointed out. One of the most important of those limitations is that, despite the astoundingly high rates of wife beating uncovered in the survey, these are likely to be underestimates. I suggested that the true rates are actually double those that are reported in this paper. So even the most elementary facts about the incidence of wife beating are far from established.

On the other hand, important as it is to establish just how much wife beating there is in the United States, it is even more important to answer questions about the causes of wife beating. This is not just a matter of scientific curiosity. Knowledge of the causes of wife beating obviously influence (or should influence) steps to prevent it. If wife beaters are thought to be mentally ill, then psychotherapy is clearly needed. If husbands hit their wives because of the excessive strains that a modern society puts on the nuclear family, then some reorganization of the family system or some change in how the families relate to the rest of society is needed. If one of the factors leading to wife beating is society's expectation that families be headed by husbands, with the husband as the main source of income, then changes in sex-linked obligations and expectations are needed. The list could go on and on. Indeed, it must go on and on because these and many other similar questions need to be answered to provide a scientific underpinning for attempts to deal with the problem of wife beating.

Despite the above, realism suggests that there is little chance that the massive research efforts needed to answer these questions will take place within the immediate future. Even if this turns out to be wrong and scientifically valid answers are produced in the course of the next few years, we need not and should not wait those few years before taking remedial steps. A few years may be almost no time at all in the history of science, but it is a long, long time in the life of victims of marital violence. In previous sections of this paper, many steps were outlined which can be taken *now* to reduce marital violence. Some of these steps are based on little or no hard evidence. A few are based on fairly solid evidence. However, for a number of the suggested steps, the question of whether there is proof of a relationship to violence is almost irrelevant because they are steps that are socially desirable in their own right. For example, a reduction in economic insecurity was suggested as a means of reducing the frustrations and tensions of modern life that seem to be related to marital violence. We do not know how much reducing the level of economic insecurity and unemployment will reduce assaults on wives. Optimistically, this one step by itself might produce a 3 or 4 percent reduction (and, of course, more when in combination with other factors). The violence-reduction potential of reduced economic insecurity might even be counteracted by other changes set in motion by the effort to reduce economic insecurity. But since full employment and a basic mimimum income are social goods in their own right, the society will have gained, even if they turn out to have no effect on the level of marital violence.

Theoretical and Methodological Orientation

Before listing and describing specific research issues, two other general considerations need to be set forth. One is a very general theoretical perspective, and the other is a general methodological perspective.

Violence as a System of Social Relations. I suggest that an understanding of the particular aspect of violence which is the concern of this consulation is not likely to be achieved unless it is studied within a framework that views family violence as a whole and that views family violence as one aspect of violence as a system of social relations characterizing the society in general.

The significance of focusing on the interrelation of violence in one family role with violence in other family roles, and with violence and other characteristics of American society, is more than a matter of covering a wider range of topics (i.e., both child abuse and wife abuse). Much more important is the theoretical stance that guides what will be investigated when dealing with any one aspect of violence: the assumption that violence in any one family role or situation must be understood in the context of the level of violence in other spheres of family life. For example, wife beating has been found to be correlated with other family violence, including physical punishment. A realistic understanding of each depends on knowing their interrelation and the reasons for the relationships. Equal emphasis, therefore, needs to be placed on studying such things as physical punishment, the level of violence portrayed in stories written for children, and the extent to which physical punishment, "ordinary" marital fights, and wife beating are influenced by historical circumstances, by social norms and values, by the life circumstances in which parents find themselves, etc. In short, research focused exclusively on wife beating is too narrow an approach to produce a basic understanding of the processes that bring about wife beating.

The importance of studying all aspects of violence in the family in order to achieve an understanding of any one aspect is further illustrated by the research that Suzanne Steinmetz, Richard Gelles, and I have done on wife beating. Rather than study only families in which the husband has attacked the wife, we have studied cross-sectional samples of families in general. This permits comparison of the wife beater with the nonviolent, and with the husband beaters. The fact that our research shows violence *by wives* against husbands to be almost as frequent an occurrence as violence by husbands is of great importance for both scientific understanding of violence in the family and for efforts to reduce the level of violence. It suggests, as stated earlier, that elimination of wife beating depends not only on eliminating sexual inequality, but also on altering the system of violence on which so much of American society depends.

Multimethod Triangulation. The general methodological principle that I would like to recommend for any program of research on wife beating is what Donald Campbell calls "triangulation." This means the use of a wide variety of research methods, but not simply because different issues require different methods, important as that is. Equally important is the assumption that each method has its own set of limitations as well as advantages. Therefore, multimethod triangulation is needed to achieve confidence in the findings on any one issue.

The Family Violence Research Program at the University of New Hampshire, for example, has deliberately employed the following widely different research methods: Indepth unstructured interviews with a small sample of families, classroom questionnaires, mail questionnaires, local interview survey, national sample survey, content analysis of literature from 1850 to 1970, person-computer game simulation of marriage, and secondary analysis of national survey data. Studies planned for the future include computer simulation using mathematical models, observational studies of violence by children, secondary analysis of national crime panel data, laboratory experiments, cross-national comparative studies, and a longitudinal or "panel" study.

Need for Longitudinal Studies. Of the types of research to be carried out in the future, the most important is a longitudinal study. By this I mean a followup or "prospective" study starting out with information about social background and personality, and about experience with violence up to that point. Such a sample should be resurveyed every 2 or 3 years, for at least the next 10 years. The advantage of such a "prospective" study, as contrasted with the "cross-sectional" research on which we now depend, is that it can help settle issues of which is cause and which is effect. For example, unemployed husbands in our national sample of couples have much higher rates of wife beating. We think it is the unemployment that causes the wife beating, but it could well be that violent men tend both to lose their jobs and beat their wives. Which causes which has profound implications for national policy concerning methods of reducing marital violence, and it will take a longitudinal study even to come close to a clear answer.

A Sampling Of Research Questions

As pointed out in the beginning of this section, so little empirical research has been done on family violence that almost any aspect needs investigation. In addition, analysis of the human family—and especially violence in family relationships—involves deeply held values and widely differing scientific fields and theories. Consequently, almost everything about violence in the family is controversial and hotly disputed. Out of this almost limitless number of controversial issues I have singled out 12 for illustrative purposes. I would not want to say that these are the 12 most important issues, only that each is important.

1. *Wife Beating Is Increasing.* The available evidence suggests that parents use physical punishment *less* frequently now (Bronfenbrenner, 1958; Miller and Swanson, 1958). However, there is no reliable evidence on fighting between siblings or between spouses. On the one hand, the change from the harsh conditions of life characteristic of agricultural and early industrial society to the physically less stressful conditions of an affluent industrial society, the changes in the legal status of women, and the growth of family advice literature stressing the importance of love and respect in family relationships would all suggest a reduction in these aspects of intrafamily violence. On the other hand, a modern industrial society is widely felt to pose greater social and psychological stresses and to promote feelings of alienation and frustration than was true earlier—all of which can spur higher levels of violence. In addition, the extreme intimacy and closeness of the modern nuclear family, with its pressures for psychological conformity, may create greater stress and frustration within the family, and which ultimately lead to physical violence.

It may be possible to use police and court records of family disturbance cases to get at least some leverage on this issue, as has been done in historical studies of mental illness rates (Eaton, 1955). However, differences in intervention and arrest practices and differences in the kind of offenses thought serious enough to bring to trial may invalidate comparisons over time. Another possible approach is through the content analysis of popular literature, both fiction (Gecas, 1972) and nonfiction (Straus and Houghton, 1960). One such content analysis (Huggins, and Straus, 1975) found no secular trend in the level of intrafamily violence in children's books over the period 1850–1970. However, that study found that the number of violent acts per page increased sharply during each major war in which the United States was involved.

2. *Wife Beating Does Not Occur in "Normal" Families.* From this viewpoint, only disorganized and pathological couples engage in physical violence; i.e., couples with problems such as unemployment,

poverty, divorce or desertion, minority status, etc. If our estimates of the frequency of marital violence are correct, either this assertion must be wrong or the majority of American families are abnormal. Of course, if one follows the practice followed in studies of child abuse and takes as an *indication of abnormality* the fact that a husband has hit his wife or vice versa, then the statement is obviously correct. But this type of circular reasoning is of little value in furthering understanding of family violence. Despite our skepticism on this point, the available evidence does suggest that family disorganization is associated with violence, especially husband-wife violence. It remains to be determined empirically just how close this relationship is.

3. *Wife Beaters Are Mentally Ill or Excessively Aggressive.* The basis for such a view seems to be the type of circular reasoning described above. What little empirical evidence there is comes from studies of child abuse. Examination of these studies by Gelles (1973) and Gil (1971:642) suggests that ". . .in most incidents of child abuse the caretakers involved are 'normal' individuals exercising their prerogative of disciplining a child whose behavior they find in need of correction." I know of no study comparing the mental health or personality of husbands and wives who use force on each other to a nonviolent sample, but the results would probably be similar. The research on homicide (of which spouse murder is the largest single category) shows no larger incidence of mental illness than in the population at large. However, at least a plausible case can be made for the idea that spouses who use physical force tend to be aggressive personality types. This is a question that can be settled through a relatively straightforward research design. Such is not the case with the controversy over the role of alcohol in causing family violence, which is discussed below.

4. *Alcohol Use Causes Family Violence.* There is reasonably good evidence that alcohol is associated with violence in the family. But what is not clear is whether people act violently because they are drunk or whether they get drunk in order to have implicit social permission to act violently. Empirical research on this issue will be extremely difficult because the actors themselves are committed to a definition of the situation in which violent acts are attributed to temporary loss of control due to alcohol.

5. *The Lower the Socioeconomic Status of the Family, the More Violence.* The evidence in support of such a proposition is mixed. In relation to the use of physical punishment, there does seem to be a correlation, but it is low (Erlanger, 1974). In relation to husband-wife violence, our national survey shows that blue-collar husbands are more violent, but that education and income by themselves make little difference (Straus, 1977). Official statistics on assault, of which a

substantial proportion are between spouses, show higher rates in the poorest areas of a city. However, officially recorded rates are by no means the same as incidence rates, as had been clearly shown in studies of juvenile offenses (Nye, Short, and Olson, 1958). The apparent class difference could be entirely a function of differences in public visibility and differences in willingness to call in the police to deal with family disputes. Class differences can also be a function of the willingness of agents of social control to label or classify certain behaviors as deviant. Gelles (1975) has argued that this is particularly likely, since what is called "child abuse" is the result of a social labeling process.

6. *Husbands and Fathers Are More Violent Than Wives and Mothers.* If we compare the sexes in terms of violence in the *parental* role, the evidence is clear that women are more violent than men. They outnumber men as child abusers (Gelles, 1973) and within the normal range are more often the parent who administers almost all types of physical punishment (Gelles, 1974). It is also noteworthy that from Greek and Roman times on it was women who were responsible for the often high rate of infanticide (Radbill, 1974).

The section on "husband beating" earlier in this paper indicated that there is little difference in the *frequency* with which husbands and wives used violence. However, that study shows women to be more frequent users of physical aids in their assaults; i.e., throwing things, hitting with an object, etc. Similar results were obtained by Gelles, 1974; Steinmetz, 1977; and Straus, 1974a. On the other hand, there is a considerable body of evidence indicating that in nonfamily situations, women are much less aggressive and violent than men. Clearly, research is needed to clarify this issue.

7. *Sexual Equality and New Family Forms Will Reduce Wife Beating.* A great deal of the physical violence between husband and wife is related to conflicts over power in the family (Allen and Straus, 1975; Straus, 1973b), and specifically to attempts by men to maintain their superior power position. One might, therefore, expect that, as families become more equalitarian, violence between husband and wife will decrease. However this will be the case only to the extent that men voluntarily give up their privileges. To the extent that sexual equality comes about by women demanding equal rights, the movement toward equality could well see a temporary increase in violence rather than a decrease (Kolb and Straus, 1974). Aside from struggles over changing the rules of the marriage game, there is nothing inherent in an equal relationship that precludes conflict and violence over substantive issues. In fact, in the past, to the extent that women *accepted* a subordinate position, much overt conflict may have been avoided by not contesting the husband's view of an issue.

As the boundaries between the sexes diminish, there might also be other reasons for an increase in family violence. Under the present sex-role definitions, women are expected to be less aggressive and violent than men. This aspect of sex-role stereotyping is already changing to a limited degree. For example, the crime rates for women have begun to converge on those for men, especially for violent crime (Simon, 1975); there was a television show with an aggressive James Bond type of woman "hero" ("Mod Squad"), and a movie "Super Chick." Huggings and Straus' study of children's books from 1850 to 1970 found an increase in the proportion of aggressive acts initiated by women, especially in the most recent years.

Turning to radical changes in the structure of the family, there is a widespread belief that such "alternative family forms" will be less violent. In part, this belief is based on the view that, in rejecting the "middle class family," there will be a movement away from middle class striving and aggressiveness. In part, it is based on the idea that a larger social group will provide more outlets and alternatives and less frustrations. But on both theoretical grounds as well as the meager empirical evidence that is now available, the opposite might well be the case. The alternative "multilateral" family forms may provide more opportunities for sexual and other jealousy, even though they are set up with the opposite intent. To the extent that such families constitute large households, they will require more rigid rules than a nuclear family in order to accomplish the ordinary physical maintenance activities. In addition, many such groups seem to be imbedded with an agrarian romantic ideology glorifying a sharp division of labor between men and women. Finally, several studies show that the larger the size (whether measured by number of children or by comparing nuclear with joint households), the greater the use of physical punishment (Straus, 1976).

8. *Materialism and Striving Are Associated With Violence.* The alienation generated by modern mass society had led many to reject not only the mass society, but the types of achievement orientation and striving behavior that are assumed to have produced modern technological societies. All of the ills of the society, including violence, tend to be attributed to the excessive achievement striving. However, it would be difficult to document a case showing that the high level of violence and the many other grave problems of contemporary American society would be alleviated if Americans became less achievement oriented. Rather, we think that the solution to these problems must be found in changes in social organization rather than changes in the typical personality structure.

Although these are broad sociohistorical questions on which there may never be a conclusive answer, we can at least investigate certain aspects, and some limited studies have already been carried out. For example, Miller and Swanson's historical survey and, to a certain extent their contemporary data, show that entrepreneurially oriented parents tend to train their children in the "school of hard knocks" (Miller and Swanson, 1958). On the other hand, the studies of Kohn (1969) show that middle class parents (who presumably best represent the striving ethic) are less punitive than are working class parents. There is also evidence from the longitudinal study of Eron and his colleagues (1973) showing that high achievement orientation is associated with *low* levels of aggression, and Straus' study of the fathers and mothers of 550 college students finds the same relationship.

Despite these findings, there could well be a relationship between a high level of achievement orientation in a society and violence. This could come about because, although almost everyone can internalize the *desire* for high accomplishment, not everyone can actually satisfy such desires. A generation ago Merton called our attention to the deviance-producing potential of such a discrepancy between culturally prescribed ends and the means actually available to reach such ends (Merton, 1938). Within the family, empirical studies such as those of O'Brien (1971) and the theoretical analysis of Goode (1971) suggest that violence is likely to occur when a husband lacks the occupational and economic accomplishments that he and his spouse expect husbands to attain. Allen and Straus (1975) tested this hypothesis and found strong support, but only among working class families.

9. *Violence in the Family Has Positive Functions.* Most people's view of the good society is one with a minimum or zero level of violence—in the family or elsewhere. But conflict theorists such as Coser (1966) point out that conflict, sometimes violent conflict, is a fundamental and often constructive part of social organization. It is a primary engine for social change and development and for the underdog to gain greater rights. Thus, nonviolence is only one of the characteristics of a good scoiety; another is that it must be open to change and to correcting inequities. There are occasions in which the value of nonviolence and the value of equity and openness to change conflict. It is in these situations that violence can have important positive contributions to human welfare.

Of the three positive contributions of violence discussed by Coser, two seem to apply to the family. These are "violence as a danger signal" and "violence as a catalyst." Thus, within the family, violent acts by a member can serve as a means of communication when other modes of communication fail to signal that there are serious problems; and violent acts can be a catalyst in bringing about needed changes when all else fails. In principle, there should never be a situation in which all else fails. But conflict theorists argue such situations do exist because alternative modes of resolving conflicts and inequities are either unknown to the persons involved, unavailable to them, or unavailable until some violent act serves as a catalyst to bring nonviolent methods into operation. Therefore, unless we are prepared to live with inequity and injustice, and in a static society, it is almost inevitable that violence will remain a part of human social organization, including the family.

We have stated the case for the conflict theory of the positive functions of violence in as strong terms as possible, perhaps in part to compensate for our own misgivings about the validity of these propositions. At the minimum we feel that, rather than accept the inevitability of violence in family relationships, we should focus research on the development of modes of social relationship and institutional patterns that will make violence unnecessary to achieve equity, freedom, and openness to change. Realism, however, compels us to fear that a truly nonviolent society will be a long time in the making. The conflict theorists may even be correct in their view that it is impossible except in a static society. At the same time "realism" has its dangers. It can be a self-fulfilling prophecy or a subtle defense of the status quo—in this case of the present high level of violence between family members.

10. *Excessive Restraints on "Normal" Aggression Lead to Even Greater Stresses and Outbursts of Truly Destructive Violence.* This issue is discussed as "the catharsis myth" in Steinmetz and Straus (1973, 1974). An important aspect is the idea that *verbal* aggression is a substitute for physical violence: it is claimed that permitting one tends to avoid the other (Bach and Wyden, 1968). Contrary to this widely accepted theory, Straus' analysis (1974a) of data for a large sample of couples shows that high levels of verbal aggression are associated with high levels of physical aggression. However, the issue is far from settled, in part because the Straus data is cross-sectional.

11. *Violence in the Family Reflects the Prevalence of Violence in the Society at Large* : both a national "culture of violence" and a more intense form of this in certain subcultures (Wolfgang and Ferracuti, 1967). It should follow that societies having low levels of violence outside the family also have low levels of intrafamily violence. Although Straus' review of the anthropological and other cross-cultural data roughly support this proposition, there are many exceptions. For example, England has one of the lowest homicide and assault rates of any industrial nation, yet there is considerable evidence that rates of child abuse and wife beating are quite high.

12. *Physical Punishment Trains Children in Violence and Lays the Groundwork for Wife Beating.* Results of our national survey show clear support for this proposition and, therefore, suggest that physical

punishment be completely eliminated as a child-management technique. However, the national survey data are cross-sectional, and the results might not be supported by a longitudinal study. Moreover, the average tendency covers up the fact that many who experienced high levels of physical punishment are not violent toward their spouse, and many who were rarely hit are violent. Clearly, more is involved than just physical punishment or the amount and severity of such punishment. Research is urgently needed to find out just what these other factors are. Only in this way are we likely to break the cycle of violence.

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*Response of Elaine Hilberman**

The task of summarizing the state of the art in the areas of causes and treatment of spouse abuse is awesome. Murray Straus has made an invaluable contribution to our knowledge by focusing on societal determinants and attitudes that legitimize the use of savage aggression by men against women with whom they are intimate. Violent coercion has become a norm by which men control whoever or whatever is perceived as a threat.

I am quite troubled, however, by the Straus data which suggest that women abuse their husbands almost as often as men abuse their wives. These data are strikingly inconsistent with a host of studies by other social scientists (Pleck *et al.,* 1978), as well as with the experiences of clinicians who both evaluate violent individuals and treat victims of violent assaults. In a study of divorce applicants, 37 percent of wives, compared with 3 percent of husbands, cited physical abuse by spouse as a reason for the divorce action (Levinger, 1966). Nearly the same disparity was noted in a study by O'Brien (1971).

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The Straus study was conducted by asking whether the respondent had hit his or her spouse during the previous year. The researchers failed to ask whether this behavior was invoked to initiate a fight or whether it was used in self-defense. In my clinical work with battered women (Hilberman, 1977; Hilberman and Munson, 1977 and 1978) only a minority of women fought, and when they did so, their use of violence was invariably related to a direct threat to life, and even then usually after years of savage abuse against the women and their children. This was in contrast to the pattern of violence by the husbands, who would beat their wives in any situation in which they did not immediately get what they wanted, some even beating their wives while the women were asleep.

This defensive pattern of violence in women was confirmed in the report of the National Commission on the Causes and Prevention of Violence (1969). Although husbands and wives kill each other with equal frequency, the Commission found that, among those who murder their spouses, wives were seven times more likely than husbands to have murdered in self-defense. Some of Straus' own data support the thesis that women fight back to defend themselves; for example, he reports that more women than men "kicked, bit, or tried to hit with fist." One does not initiate a fight by kicking or biting. It is likely that women kick or bite when they are physically overpowered and rendered helpless and in danger by an assailant.

Even were we to assume that women assault their husbands as often as husbands assault their wives, we must remember that most men are bigger and stronger than most women. Men have also had more training and experience in physical combat, so that, in a fight between a man and a woman, the woman is in greater danger of serious injury. This is supported by Boston City Hospital statistics, where 70 percent of the assault victims seen in the emergency room are women who have been attacked in the home (Center for Women Policy Studies, 1977). If men were sustaining serious injuries by their spouses, this would certainly be reflected in the medical trauma statistics.

As a psychiatrist and a clinician, I regularly provide services to individuals who are either perpetrators of violent crimes (rape, incest, wife beating) or victims of these violent acts. My evaluation of the theoretical constructs of social scientists takes place in the context of clinical work with anguished individuals. Any general theory about how people behave is viable only when, in large measure, it accurately describes the actual behavior of individuals; that is, the theory must "fit" with what we know about people.

Clinical experiences of mental health professionals support the views of social scientists that men in large numbers abuse their wives. Clinical experiences do not, however, support the conclusion tha women are as likely to beat their husbands. The same paralyzing fear and passivity that keep women from leaving violent homes also prevent their striking out against their husbands.

If the battered woman's response to violence is passivity and silence, if only 4 out of 60 women acknowledge the violence against them even after years of treatment, if women are likely to describe accurately their own loss of control while saying nothing about the behavior of their spouses, and if the men we have evaluated consistently lie about their own behavior, then it is difficult to imagine that Dr. Straus' survey is an accurate reflection of what really occurs behind closed doors. Statistics and theories are not people. I should like to tell you about people:

A colleague and I evaluated and treated 60 battered women who were referred by the medical staff of a small rural health clinic (Hilberman and Munson, 1977 and 1978). The history of marital violence was known to the referring clinician in only 4 of the 60 cases, despite the fact that most of these women and their children had received ongoing medical care at the clinic. Battered women, like rape victims, are silent victims.

The psychological consequences of violent abuse were devastating for the victims. There was evidence of severe psychological dysfunction for more than half of the women, with depression, manic-depressive illness, schizophrenia, personality disorders, and alcoholism all represented. Thirteen of the women had been hospitalized, some repeatedly, with violent and psychotic behavior often the precipitant for hospitalization. Almost the entire sample made frequent visits to local physicians and emergency rooms for somatic complaints, anxiety, insomnia, or suicidal behavior, usually by drug overdose. Most had been treated, usually inappropriately, with sedative-hypnotics, tranquilizers, and antidepressants. Although there were multiple contacts with clinicians over the years, neither the psychiatrists nor the nonpsychiatrist physicians were told of the violence.

Despite the variety of presenting complaints and diagnoses, there was a uniform psychological response to the violence that was identical for the entire sample. The women were a study in paralyzing terror that is reminiscent of the rape trauma syndrome (Burgess and Homstrom, 1974), except that the stress was unending and the threat of the next assault was ever present.

Agitation and anxiety bordering on panic were almost always present: "I feel like screaming and hollering, but I hold it in." "I feel like a pressure cooker ready to explode." They talked about being tense and nervous, by which they meant "going to pieces" at any unexpected noise, voice, or happening. Events even remotely connected with violence, whether sirens, thunder, people arguing, or a door slamming, elicited intense fear. There was chronic apprehension of imminent doom, of something terrible always about to happen. Any symbolic or actual sign of potential danger resulted in increased activity, agitation, pacing, screaming, and crying. They remained vigilant, unable to relax or to sleep. Sleep, when it came, brought no relief. Nightmares were universal, with undisguised themes of violence and danger: "My husband was chasing me up the stairs. . .I was trying to escape but I kept falling backwards." "There was a man in the house. . .trying to kill me." "Snakes were after me. . .in my bed."

In contrast to dreams in which they attempted to protect themselves or to fight back or to escape, their waking lives were characterized by overwhelming passivity and inability to act on their own behalf. They were drained, fatigued, and numb, often without energy to do more than minimal household chores and child care. There was a pervasive sense of helplessness and despair about themselves and their lives. They saw themselves as incompetent and unworthy and were ridden with guilt and shame. They felt they got what they deserved, had no vision that there was another way to live, and were powerless to make changes.

Like rape victims, battered women rarely experience their anger directly, although their stories elicited despair and outrage in the listener. Aggression was most consistently directed against themselves, with suicidal behavior, depression, grotesque self-imagery, alcoholism in a few, and self-induced scratches and scars. Passivity and denial of anger do not imply that the battered woman is adjusted to or likes her situation. It is the last desperate defense against homicidal rage.

The women control their aggression and deny their rage by means of a complex mythology about wife beating:

1. The violence is perceived as a norm; this is most likely when the victim comes from a violent family of origin.
2. The violence is rationalized; he is not responsible because he is sick, mentally ill, alcoholic, unemployed, or under stress.
3. The violence is justified; she deserves it because she is bad, provocative, or challenging.
4. The violence is controllable; if only she is good, quiet, and compliant, he will not abuse her.

The victim utilizes this group of beliefs to "explain" the brutality. This reinforces her tenuous denial and protects her husband and her marriage, at the expense of her self-esteem and autonomy, and possibly, her life. It allows her to remain totally enslaved while believing that she is in control.

These same women who are beaten, raped, imprisoned, and terrorized by their husbands grew up in homes where they were physically and sexually abused by their parents and raped by their brothers and their boyfriends. Women who have spent their lives as victims of brutality suffer profound psychological consequences, which include passivity, lack of assertiveness, low self-esteem, emotional isolation, and mistrust. The need for shelters in which women and their children can live in a safe and caring environment without fear is urgently needed. But love is not enough. Although most mental health professionals have not been advocates for women, there are growing numbers of competent, responsible, and feminist professionals whose services are a necessity to help reverse the dire effects of victimization.

Violence occurring in the privacy of one's home has not been considered a public issue. One victim commented: "My husband would do anything to get me down to where I would not go out in the world." Surely this must be one of the most profound abridgments of one's civil rights.

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Statement of Representative Newton I. Steers, Jr.

In too many ways, women still have not achieved rights on an equal par with men.

One of those rights is protection from physical abuse.

I have listened to the stories of women who have been beaten by their husbands—savagely, methodically, and with deliberate vengeful purpose.

As with child abuse, "wife beating" was not discussed openly in our society until its victims were recognized as persons with rights of their own—not subject to the severe physical abuse of a parent, a husband, or boyfriend.

The enactment of the Child Abuse Prevention and Treatment Act in 1974 was the first time that we as a society made a national commitment to protecting victims of physical abuse no matter what the relationship of the batterer to the victim.

The official protection of children who are in all ways dependent on their parents was a first step towards breaking the violent cycle of family abuse.

The second must inevitably be the protection of women, many of whom are economically and in some ways psychologically dependent on their husbands.

When I first began speaking about wife abuse, a lot of people including some of my colleagues on Capitol Hill laughed in disbelief. Many people believe that television shows such as the "Waltons" or "Family" depict the status quo in America when, in fact, such is not the case.

Studies have shown that time and time again the family setting serves as a training ground for violence. Documented evidence by researchers such as Drs. Murray Straus, Suzanne Steinmetz, and Richard Gelles showing the prevalence of violence in American families marks a sharp contrast with the idealized picture of the normal family. In fact, the media reflect violence in the family as a deviant form of behavior (Steinmetz and Straus, 1974).

On June 21, 1977, Congresswoman Lindy Boggs and I introduced the Domestic Violence Prevention and Treatment Act of 1977. It had become my firm belief at that time that wife abuse was widespread, that its victims were seeking help, and that society as a whole was neither psychologically nor institutionally prepared to respond to the problem.

Our bill seeks a broad, multifaceted approach to the problem. It requires that 60 percent of the funds appropriated for the bill must be spent on demonstration projects which are likely to result in the development and implementation of methods of preventing and treating domestic violence, including demonstration projects relating to self-help programs, emergency shelter programs, the operation of telephone systems to provide assistance in emergencies, and the prevention and treatment of social problems related to domestic violence.

The measure, H.R. 7927, is designed so that groups providing direct services to battered women are given priority in the awarding of grants. The bill specifically states that priority must be given to those applications which "are designed to deal directly with specific and serious problems relating primarily to domestic violence." Domestic violence is defined as "any act or threatened act of violence, including any forceful detention of an individual which a) results or threatens to result in physical injury and b) is committed by an individual against the spouse of such individual or against an individual with whom such individual is cohabitating."

The bill further provides that not less than 5 percent of the monies appropriated must be used to provide technical assistance to any private or nonprofit organization which desires to transmit an application.

A study of State and local laws to encourage making those laws more responsive to the needs of battered spouses is also mandated. The lack of information and statistics concerning wives as victims may in large part be due to the outlook of the law in this matter. The legal view of the family as a semisacred institution results in precedents and processes which make difficult a woman's ability to press charges against her husband and also leads women to feel that they are not victims of any "crime."

A national clearinghouse would be set up to serve as an information and referral center on existing programs. Presently, there are a number of Federal agencies such as the Law Enforcement Assistance Administration and the Community Service Administration supporting programs to help battered wives. These efforts should be coordinated so that the general public has access to them.

As presently written, H.R. 7927 would be administered by the National Institute of Mental Health. A number of excellent alternatives to NIMH have been suggested since introduction of the bill and I am hopeful that these will be pursued in congressional hearings scheduled on wife abuse for March 8.

I would like to emphasize that staff members from my office and those with Congresswomen Boggs and Mikulski have met periodically with representatives from the wife abuse community to discuss the needs of those presently providing direct services to battered women.

It is our hope that legislation reported by the House and Senate will be responsive to these concerns.

Finally, I would like to emphasize my feeling that the rights of abused persons, regardless of their relationship to the abuser, should receive aggressive legal protection. An assault is no more acceptable because it is committed by a relative or acquaintance.

Appendix A

Resources for and on Battered Women

In response to a continuing need to locate services, research, funding and other resources for battered women, the Commission is publishing this resource appendix, which includes a directory of national, State, and local organizations, as well as Federal agencies, a newsletter listing, and a listing of bibliographies.

The first section of the directory lists organizations with a national focus. Those with a regional focus are found in the second section. State and local groups are included in a State-by-State listing in the third section, and statewide groups are identified at the beginning of each State listing. Finally, Federal agencies that address the issue of battered women are included in the fourth section.

The Commission contacted many organizations and individuals in an effort to make the directory as comprehensive as possible. In most cases, the descriptions of functions or services are those provided by the organization. The directory includes only those groups whose services are directed to or primarily aimed at battered women; organizations are not included that serve incidentally the needs of battered women or that deal primarily with related problems (e.g., alcoholism, child abuse). Since it is not possible to include the over-800 offices of neighborhood legal services, the Commission has included only those that supplied information regarding specific projects with regard to battered women. To locate a local legal services office, consult the local telephone directory or direct inquiries to the Legal Services Corporation (included in the Federal agency section).

To facilitate use of the directory, services have been coded for each organization. The symbols are as follows:

C/TF: Coalition/Task Force
H: Helpline
LA: Legal Aid
L/L: Legislation/Lobbying
R: Research
S: Shelter
W/MS: Walkin/Multiservice

Some organizations have been included for which no descriptions of services were available; however, according to information available to the Commission, those groups maintain programs for battered women.

The second part of the resource appendix is a list of primarily national newsletters published regularly and directed to concerns of battered women. Many of the organizations listed in the directory in part one also publish newsletters and other material and should be contacted for specific State or local information.

The third part of the resource appendix is a list of bibliographies that identify books, articles, research data, and other material on battering. It is not possible to publish here a comprehensive bibliography of all materials available on this subject, but the bibliographies included are a useful starting point for those searching for information. Other listings of shelters and resources are available from:

Betsy Warrior
46 Pleasant St.
Cambridge, Mass. 02139

"Working on Wife Abuse," by Betsy Warrior, $3.00 plus 50¢ postage.

Center for Women Policy Studies
2000 P St., N.W., Suite 508
Washington, D.C. 20036
(202) 872-1770

Part 1

Directory

National Organizations

CENTER FOR WOMEN POLICY STUDIES
2000 P St., N.W., Suite 508
Washington, D.C. 20036

R

(202) 872-1770
Contact: Marge Gates or Jane Chapman, Co-Directors

The Center for Women Policy Studies is dedicated to increasing public awareness and affecting national policy change on issues involving women. Center activities in conjunction with its project on intrafamily violence and sexual assault include: a clearinghouse of information and listing of resource persons, a bimonthly newsletter, and technical assistance to selected citizen initiative (LEAA) programs dealing with sexual assault in intrafamily violence.

MEXICAN AMERICAN WOMEN'S NATIONAL ASSOCIATION (MANA)
L'Enfant Plaza Station, S.W.
P.O. Box 23656
Washington, D.C. 20024

C/TF

(703) 521-0097
Contact: Wilma Espinoza, Coordinator

MANA's Task Force on Battered Women coordinates and disseminates legislative and other information to its membership and has testified on congressional legislation. Members are involved in providing professional bilingual-bicultural counseling, community education, and emergency housing for *hermanas* in at least six States, as well as in staffing helplines.

NATIONAL COALITION AGAINST DOMESTIC VIOLENCE
P.O. Box 40132
Portland, Oreg. 97240

C/TF

(503) 281-2442
Contact: Jackie Lynch or Dyan Oldenburg

The National Coalition Against Domestic Violence was organized by women (representing shelters, hotlines, and other grassroots domestic violence programs) who attended the National Women's Conference in Houston and the U.S. Commission on Civil Rights Consultation, "Battered Women: Issues of Public Policy."

The National Coalition is based upon regional representation, includes women from diverse backgrounds, and is especially concerned with significant participation of minority women. The coalition has a commitment to address the problem of domestic violence through the support of community-based, direct service programs that involve battered women in the decisionmaking process.

NATIONAL LAWYERS GUILD–NATIONAL COMMISSION ON WOMEN'S OPPRESSION

P.O. Box 125
Cambridge, Mass. 02139

C/TF

(617) 492-5110
Contact: Anne Kaufman

The Guild's National Commission on Women's Oppression is a network of progressive lawyers, legal workers, and advocates. NCWO coordinates legal and political work on various women's issues and publishes a newsletter (the 1977 summer issue was devoted to battered women). Many Guild attorneys and legal workers are working with individual battered clients, grassroots groups, shelters, and legislative coalitions. Individuals or groups which want legal assistance can contact their local chapter of the National Lawyers Guild or the National Commission on Women's Oppression.

NATIONAL ORGANIZATION OF VICTIM ASSISTANCE (NOVA)

University of Southern Mississippi
Southern Station, Box 5127
Hattiesburg, Miss. 39401

R

(601) 266-7200
Contact: John P.J. Dussich

NOVA is an organization aimed at the unification of professionals who are committed to the humanization of the criminal justice system through victim advocacy. Members receive a newsletter and have access to a victim information clearinghouse, technical assistance on victim services, legal research, and a victim program directory. One-year membership fee is $10.00. A national conference is held annually.

WOMEN'S EQUITY ACTION LEAGUE (WEAL)
805 15th St., N.W. Suite 822
Washington, D.C. 20005

C/TF; R; L/L

(202) 638–1961

WEAL is preparing a report on the issue of battered women to be published in April 1978. WEAL also lobbies for pending legislation on battered women.

WOMEN'S RESOURCE NETWORK
4025 Chestnut St.
Philadelphia, Penna. 19104

R

(215) 387–0420
Contact: Jennifer Fleming, Director

The Women's Resource Network is a national resource organization in response to family violence. It offers training and consultation to the law enforcement and criminal justice systems on coping with domestic violence; consultation and education for practitioners and administrative personnel within the mental health and social service fields on counseling victims of abuse; development of workshops, seminars, conference, and curriculum related to violence in the family; and research and evaluation projects focusing on family violence.

Regional Organizations

WESTERN STATES SHELTER NETWORK
c/o Women's Litigation Center
SFNLAF
1095 Market St., Rm. 416
San Francisco, Calif. 94103

C/TF

(415) 626–3632 and 626–3819 (both numbers work)
Contact: Carol Lopes or Terry Berman

The network serves the States of California, Oregon, and Washington, providing a means of uniting shelter and coalition groups, and is working to address the issue of services for battered women as a collective voice on the regional and national level.

State and Local Organizations

ALASKA

Local

ABUSED WOMEN'S AID IN CRISIS (AWAIC)
P.O. Box 4–819
Anchorage, Alaska 99509

S

(907) 274–4561 or 272–5037 (home)
Contact: Kit Evans

Shelter for battered women and children. Maximum capacity of 34 and 30-day limit.

WOMEN'S RESOURCE CENTER
Ellen Snider
P.O. Box 2511
Kodiak, Alaska 99615
or
Kathleen Carlson
Box 2624
Kodiak, Alaska 99615

W/MS

Focus on battery and rape

WOMEN'S RESOURCE CENTER TASK FORCE ON BATTERED WOMEN
Christine Malone
P.O. Box 9
Kenai, Alaska 99611
or
Route 1, Box 12
Kenai, Alaska 99611

H;S

(907) 283–7501 or 262–4752 (home)
Contact: Linda Hawthorne

Executive referral to AWAIC, network of private safe homes, community education.

CALIFORNIA

Statewide

CALIFORNIA COALITION AGAINST DOMESTIC VIOLENCE (CCADV)
c/o Linda Berland
P.O. Box 162016
Sacramento, Calif. 95816

C/TF; L/L

Contact: Linda Berland

CCADV is involved in legislative and administrative lobbying on the local, State, and Federal levels. CCADV provides technical assistance to agencies and shelter groups throughout the State.

SOUTHERN CALIFORNIA COALITION ON BATTERED WOMEN
P.O. Box 5036
Santa Monica, Calif. 95045

C/TF;L/L

(213) 938-2317

The coalition provides a "Women's Survival Card" (where to find help in the Los Angeles area), a resource center that acts as a clearinghouse for information and referrals, a legislation-political action task force, a newsletter, and a speakers bureau.

WESTERN STATES SHELTER NETWORK
California Region
c/o Women's Litigation Center
SFNLAF
1095 Market St., Rm. 417
San Francisco, Calif. 94103

C/TF

(415) 626-3819
Contact: Carol Lopes or Terry Hess

The California Region educates and organizes collectively shelter groups and shelters around issues related to battered women.

Local

COMMISSION ON THE STATUS OF WOMEN, COUNTY OF SANTA CLARA
70 W. Hedding St.

San Jose, Calif. 95112

W/MS

(408) 299-3131
Contact: Rina Rosenberg, Director

The commission provides a pamphlet, "The Battered Woman: A Survival Manual," to the surrounding community. The pamphlet is available in Spanish and English and has a listing of local services available to battered women.

COMMISSION ON THE STATUS OF WOMEN, COUNTY OF TULARE
Coalition on Battered Women
515 W. School St.
Visalia, Calif. 93277

C/TF

(209) 732-0906
Contact: Karen Swallow, Project Director

The commission is working with several organizations to form a coalition and act as the clearinghouse for Tulare County on information regarding battered women.

EAST LOS ANGELES RAPE HOTLINE
3626 E. 5th St.
Los Angeles, Calif. 90036

H

(213) 262-0944
Contact: Diane Muniz, Director

The ELA Rape Hotline provides services in both Spanish and English to battered women, including crisis counseling, emergency placement, advocacy, translation and interpreting, referral to appropriate agencies, and followup.

EMERGENCY SHELTER PROGRAM, INC.
1303 A St.
Hayward, Calif. 94541

C/TF;H;S

(415) 881-1244
Contact: Joanne Lefils Moore, Executive Director

The Emergency Shelter Program offers temporary residence to women and children who are homeless, destitute, or in a crisis and have no other place to stay. The program operates on a 24-hour emergency basis. Those who are under the influence of alcohol or drugs are not knowingly accepted at the shelter.

GOOD SHEPHERD SHELTER
1500 Arlington Ave.
Los Angeles, Calif. 90019

S/W/MS

(213) 737-6111
Contact: Sister Nora

Services offered are: counseling, minimum financial help, group therapy, clinical psychologist, transportation, school for children (male small children up to 12 years old accepted), referral system and job placement. If funding is available, a nursery will be established.

THE HARBOR AREA OF YWCA SHELTER FOR BATTERED WOMEN
437 W. Ninth St.
San Pedro, Calif. 90731

S;H

(213) 547-9343
Contact: Martha Pruners

Provides shelter, emergency food, and clothing; 24-hour hotline; advocacy work.

HAVEN HILLS, INC.
P.O. Box 260
Canoga Park, Calif. 91305

H;S

(213) 887-6589
Contact: Jacquie Gordon, President (213) 340-3632

A community-sponsored program to provide temporary refuge and support to battered women and their children. Services include a 24-hour crisis line, counseling of all members of family (fees based on ability to pay), a speakers bureau, and job training and acquisition of permanent housing, if necessary.

HAVEN HOUSE, INC.
P.O. Box 2007
Pasadena, Calif. 91106

(213) 681-2626 **S**
Contact: Ruth I. Slaughter, Director

Haven House offers a multifaceted treatment program for dealing with the problem of violence in the family. The residential program provides refuge and a therapeutic milieu for the battered wife and her children, while the outreach program provides a range of outpatient counseling services for each member of the family and for the family as a unit.

LA CASA DE LAS MADRES
P.O. Box 15147
San Francisco, Calif. 94115

(415) 626-9337 or 626-7859 **H;S**

La Casa De Las Madres is a refuge for battered women and their children. In addition to the shelter program and facility, La Casa also provides a telephone crisis line, a community education and outreach program, and a community support group for women who are not residents of the shelter. Additional services include legal assistance, a child-care program, a weekly assertiveness training group, and a support group.

LOS ANGELES COUNTY BOARD OF SUPERVISORS TASK FORCE ON DOMESTIC VIOLENCE
Office of Supervisor James A. Hayes
500 W. Temple St., Rm. 822
Los Angeles, Calif. 90012

(213) 974-4444 **C/TF**
Contact: Sylvia Pizzini, Director of Task Force

The task force was formed to report on the scope of domestic violence in Los Angeles, including available services and unmet service needs, and the appropriate role, if only, of county agencies. The report is to be submitted to the board of supervisors on May 30, 1978.

OCEAN PARK COMMUNITY SOJOURN SHELTER
245 Hill St.
Santa Monica, Calif. 90405

(213) 399-9228 **S**

The center provides shelter for women and their children, crisis intervention counseling, advocacy, transportation, job and house hunting assistance, and referrals.

OPTION HOUSE

P.O. Box 861
Colton, Calif. 92324

S

(714) 875-5382 or 874-5570
Contact: Sherry Janes, Program Director

Option House provides temporary emergency shelter (not to exceed 30 days) for female victims of domestic violence (and their children) who are residents of San Bernadino County. In addition, Option House also provides crisis intervention, individual and group counseling, children's activities, and referral to legal, medical, financial, and employment-vocational training.

PORTERVILLE MISSION PROJECT, INC.

P.O. Box 2033
Porterville, Calif. 93257

S

(209) 784-3919
Contact: Mary Baker, Under Secretary

Provides shelter care to women and children. The project is operating on a very small budget, but is striving to obtain additional funding in order to provide services to a larger number of battered women.

RIVERSIDE COUNTY COALITION FOR ALTERNATIVES TO DOMESTIC VIOLENCE

P.O. Box 910
Riverside, Calif. 92502

C/TF;H;R;S

(714) 686-4357 or 686-HELP emergency 24-hour helpline

The coalition provides shelter services for battered women and their children, a 24-hour helpline, crisis counseling, peer group counseling for women, information and referral services, community education programs, and other necessary services. The coalition has developed professional training programs for law enforcement personnel, attorneys, social workers, and others working with victims.

A bilingual (Spanish/English) booklet of all county, State, and Federal laws regarding spouse abuse, information regarding women's rights under criminal and civil law, and various alternatives will soon be available. A research committee is working on a bibliography and developing the following programs: treatment for children from violent homes, assertiveness training for women, peer counseling for batterers, and family counseling where desired.

ROSASHARON
P.O. Box 4583
N. Hollywood, Calif. 91607

C/TF

(213) 988–9424 or 769–4237
Contact: Beverly Monasmith

Rosasharon is a coalition whose primary goal is to establish a program to provide the victims of domestic violence with multidisciplinary, diagnostic treatment and counseling services. In addition, it plans to provide immediate refuge and support.

SALANO CENTER FOR BATTERED WOMEN
P.O. Box 2051
Fairfield, Calif. 94533

S

(707) 429–4357
Contact: Mary Peterson, Director

The center is a 24-hour, 7-day-a-week, multicultural coalition of Salano County women that provides counseling, supportive services, and emergency shelter to meet the needs of battered women and their children. The center also provides information regarding available services as well as actual assistance in locating and obtaining emergency transportation, medical and social services, and other information.

WOMA, THE WOMAN'S ALLIANCE
1509 E. Santa Clara St.
San Jose, Calif. 95116

S;W/MS

(408) 251–5522
Contact: Bea Robinson

WOMA is a multiethnic group that provides complete, comprehensive bilingual-bicultural services for battered women. Services include counseling, legal assistance, and shelter. Other activities of WOMA include training workshops, assertiveness training, and a speakers bureau. WOMA has also established a program to assist the undocumented and legal resident battered woman.

WOMEN AGAINST VIOLENCE EMERGENCY SHELTER (WAVES)
P.O. Box 1121
Berkeley, Calif. 94701
C/TF;H;S

(415) 848-9130
Contact: Carla Dimondstein, Director-Consultant

The center is establishing a comprehensive center-shelter for battered women in the Berkeley area and plans a helpline, referrals for legal aid, and other essential services, as well as counseling.

WOMEN'S RESOURCES AND RESEARCH CENTER
University of California
Davis, Calif. 95616
S

(916) 752-3372
Contact: Ellen Arrington, Director

The center provides personal counseling, assistance in shelter placement, information regarding services and resource persons available in the northern California area, and referral to counselors, legal, economic, and shelter resources. The center also provides emergency housing for very short-term needs within Davis.

WOMEN'S SHELTER
P.O. Box 4222
Long Beach, Calif. 90804
S

(213) 437-4663

Women's Shelter offers temporary shelter to battered women including children, age limit of 12 for males. Thirty days maximum stay with a minimum charge of $1.25 for children. Also provides group counseling and social worker assistance.

WOMEN'S TRANSITIONAL LIVING CENTER, INC.
P.O. Box 6103
Orange, Calif. 92667
S

(714) 992-1931

Contact: Alice Oksman-Banner, Executive Director

The center provides temporary emergency shelter (30-day maximum) to female victims of domestic violence and their minor children. In addition to shelter, services include crisis intervention, individual and group counseling, and information and referrals to meet a variety of financial, legal, medical, and employment-related needs. The WTLC has a 70-page "How To" manual available, for which it requests a $5.00 donation.

COLORADO

Statewide

THE COLORADO ASSOCIATION FOR AID TO BATTERED WOMEN (CAABW)
Colorado Women's College, Box 136
Montview and Quebec
Denver, Colo. 80220

C/TF;R

(303) 355-7080 or 355-9558
Contact: Deborah Flick, Chairperson, c/o Safe House, 1264 Race St. Denver, Colo. 80206

The association is an organization of people and agencies committed to the prevention and elimination of violence against women. The association provides a speakers bureau, a film and materials library, a CAABW representative in each county in Colorado to facilitate local community activities, a newsletter, an advocacy program, and inservice training programs for public and private agencies. CAABW's primary objective is the establishment and funding of safe houses where battered women and their families can receive needed supportive services.

Local

BATTERED WOMEN SERVICES
12 N. Meade
Colorado Springs, Colo. 80909

H;S

(303) 633-4601
Contact: Jorja Jahrig, Director

Battered Women Services provides crisis intervention, referral, counseling, advocacy, and temporary shelter for battered women and children, and a 24-hour helpline. They have developed liaison service to all pertinent social service programs and criminal justice agencies.

A publication is available, "Battered Women: An Overview of the Problem in Colorado Springs."

BATTERED WOMEN'S SHELTER PROJECT
Aurora Community Mental Health Center
1646 Elmira St.
Aurora, Colo. 80010

Support Group

(303) 344-9260
Contact: Susan Stark or Gretchen Groth, Coordinators
Ann McIntire (303) 794-1415

No description available

LARIMER COUNTY MENTAL HEALTH CENTER
3000 S. College Ave.
Fort Collins, Colo. 80525

H;S

(303) 221-2100
Contact: Joan Hopkins, Coordinator of Consultation and Education

The center currently provides a weekly free, confidential, support group for battered women. Emergency housing is provided by Community Crisis and Information Center with a 3 night limit. In addition, the Larimer County Coalition Against Violence to Women works to provide services to battered women.

WOMEN IN CRISIS
1426 Pierce St.
Lakewood, Colo. 80214

H;R;S

(303) 234-1494
Contact: Barbara Spicer, Administrator

Women in Crisis provides shelter for up to 40 battered women and children. Other services are emergency medical care, legal counsel, counseling, and other services as necessary.

Education office staff (303 234-1508) are compiling preliminary research on domestic violence, publishing a newsletter, and providing a speakers bureau.

The prevention aspect of the program (303 234-1501) involves counseling individual couples and families with a history of family disturbance and/or violence. A trained female-male counseling team

provides crisis intervention and indepth counseling. This office also serves as a source of information and referral.
The "safe home" 24-hour hotline numbers are (303) 232–0996 and 232–0997. The number for "safe home" information is (303) 232–0961.

YORK STREET CENTER
1632 York St.
Denver, Colo. 80206

S

(303) 388–0834
Contact: Katherine Sultzman

York Street Center offers limited shelter to battered women. The staff also provides legal assistance, counseling, and information about available economic assistance.

CONNECTICUT

Local

COMMUNITY HEALTH CENTER, INC.
P.O. Box 1076
Middletown, Conn. 06457

W/MS

(203) 347–6971
Contact: Eileen Shekosky, Director of Domestic Violence Component

The Community Health Center, Inc., has a domestic violence component and publishes a regional newsletter, "SANEnews—SpouseAbuseNorthEastnews."

MIDDLESEX AREA TASK FORCE ON DOMESTIC VIOLENCE
c/o Middlesex Area Legal Assistance
Silver St.
Middletown, Conn. 06457

C/TF

(203) 347–0866
Contact: Beverly Goulet, Chair, or Mallory Cacciutto, Community Needs Committee
(203) 342–3043

Task force activities include development of shelters, training volunteer sponsors of battered women, sponsoring a self-help support group, conducting research, training professionals who work with battered women, counseling, lobbying, research, development of a treatment program for men (in conjunction with a community mental health center), and referral services.

PRUDENCE CRANDALL CENTER FOR WOMEN
P.O. Box 895
New Britain, Conn. 06051
H;S

(203) 225-6357
Contact: Susan Cellino, Community Outreach Coordinator

PCCW provides a 24-hour crisis intervention line, counselor-advocates, a child-care component, a support group for battered women, and public speakers. All services are free.

YWCA OF GREATER BRIDGEPORT, INC.
1862 East Main St.
Bridgeport, Conn. 06610
S

(203) 334-6154

The YWCA provides host homes; counseling (sliding scale of $1-5); legal, financial, and career counseling; emergency financial assistance; and is developing a network of other services for battered women.

DELAWARE

Local

RURAL DELAWARE COALITION ON FAMILY AND SEXUAL VIOLENCE
121 S. Walnut St.
Milford, Del. 19963
C/TF;H;L/L;S

(302) 422-8011 or 856-3290
Contact: Frank H. Shavlik, Ph.D.

Services offered by coalition members are: 24-hour hotline, family and individual counseling, limited shelter referrals, and financial assistance. Member staff also participate in State and local police training. Volunteers are available for legislative work and lobbying.

DISTRICT OF COLUMBIA

D.C. COALITION ON FAMILY VIOLENCE
214 P St. N.W.
Washington, D.C. 20001

C/TF

(202) 797-7460
Contact: Rev. Sidney R. Smith

The coalition works to coordinate services to victims of family violence.

FOURTH DISTRICT POLICE CENTER
3247 Mt. Pleasant St. N.W.
Washington, D.C. 20010

W/MS

(202) 626-2277
Contact: Officer Larry J. Moss, Director

This neighborhood police storefront center provides counseling and referral services for battered women, as well as investigation and advice on rights of battered women. Services are free, and the office is open 6 days a week.

HOUSE OF IMAGENE
214 P St., N.W.
Washington, D.C. 20001

S

(202) 797-7460
Contact: Rev. Imagene Stewart

The House of Imagene provides shelter to victims of family violence.

HOUSE OF RUTH ANNEX
1215 New Jersey Ave., N.W.
Washington, D.C. 20001

H;S

(202) 347-2332
Contact: Sister Gertrude Coffey, ACSW

The annex provides emergency, temporary shelter (up to 6 weeks) for abused women or women under the immediate threat of being beaten. Counseling and a broad range of referral services (legal, employment, housing, training, child care) are provided. The annex operates a 24-hour hotline.

TASK FORCE ON ABUSED WOMEN OF THE WOMEN'S LEGAL DEFENSE FUND

1010 Vermont Ave., N.W., Suite 210
Washington, D.C. 20005

C/TF;H;L/L

(202) 638-1123
Contact: Lydia Egan, V. Jones, Marcelle Floyd, M. Jackson

The main project of the task force is the planning of a shelter for battered women and their children which will open by summer 1978. The task force provides a number of services for battered women and maintains a community education program. Current projects include weekly peer support groups for battered women, crisis intervention and advocacy, referrals in all areas of need, workshops and training seminars for community and professional organizations, seminars for D.C. criminal justice officials, and review of State laws and model legislation.

FLORIDA

Local

HUBBARD HOUSE/WOMAN'S RAPE CRISIS CENTER

1231 Hubbard St.
Jacksonville, Fla. 32206

H;S

(904) 354-3114
Contact: Shirley K. Webb, Coordinator

Hubbard House operates a shelter for battered women and a 24-hour hotline for rape victims, sexually abused children, and battered women. Services offered include counseling (group and individual), information and referral service, child care, advocacy, community education, agency training sessions, and followup support groups.

SEXUAL AND PHYSICAL ABUSE RESOURCE CENTER (SPARC)

P.O. Box 12367, University Station
Gainesville, Fla. 32604

H;S;W/MS

(904) 377-RAPE, or 377-TALK

SPARC offers crisis and employment counseling; emergency food, clothing, and shelter; transportation; medical and legal referrals, and other assistance to victims of rape, incest, battering, or other forms of physical and/or emotional abuse. Shelter programs include assertiveness training, parenting skills, peer counseling, self-defense. SPARC is also actively engaged in both reform and community education, in addition to the shelter and two 24-hour hotlines.

GEORGIA

Local

COBB COUNTY YWCA—BATTERED WOMEN'S CRISIS CENTER
48 Henderson St.
Marietta, Ga. 30064

S;W/MS

(404) 973-8890
Contact: Diane Kuzeff, Director

The center offers counseling and temporary shelter to battered women and their children. The center also provides referral to other services. Fees are based on ability to pay.

COUNCIL ON BATTERED WOMEN
45 11th St., N.E.
Atlanta, Ga. 30309

H

(404) 873-1766
Contact: Susan May, President

The Council on Battered Women offers counseling and referrals to services needed by battered women, such as legal aid, housing, and employment. The council has participated in community education programs, fundraising, and research. The council has some CETA funds for staff and is planning to open a shelter in April 1978.

IDAHO

Local

BOISE HOTLINE, INC.
P.O. Box 235
Boise, Idaho 83701

H

(208) 345-7888

The hotline provides listening and crisis intervention for those in distress.

CRISIS CENTER
202 Main St.
Lewiston, Idaho 83501

H

(208) 743-1521
Contact: Jill Bernard, Director

The center provides a 24-hour crisis line. It also serves the Clarkston, Washington, area.

EMERGENCY HOUSING SERVICE, INC.
815 North 7th St.
Boise, Idaho 83702

S

(208) 342-9719

Emergency Housing Services, Inc., provides food, shelter, and counseling for women and their children.

WOMEN'S RESOURCE CENTER
P.O. Box 792
Idaho Falls, Idaho 83401

S;W/MS

(208) 529-3141 (MWF, 9-4)
(208) 524-5040 (crisis line)
Contact: Christy Strange

The center provides referrals to volunteer homes for temporary shelter for battered women and referrals to other public and private social services. The center also provides general social services for women, such as credit counseling.

VALLEY MULTI PURPOSE CENTER
1805 19th Ave.
Lewiston, Idaho 83501

W/MA

(208) 743-4562

The center recently received a grant and is in the process of developing a program for battered women. The center also serves the Clarkston, Washington, area.

ILLINOIS

Local

CHAMPAIGN COUNTY WOMEN AGAINST RAPE
112 W. Hill
Champaign, Ill. 61820

H

(217) 356-0731
Contact: Kathy McCabe, Project Director

The Champaign County WAR provides a 24-hour hotline and advocate and referral service for victims of rape, sexual assault, or any other crime. The primary focus is on rape, sexual assault, and battered women.

CHICAGO ABUSED WOMEN COALITION
c/o LOOP Center YWCA
37 S. Wabash
Chicago, Ill. 60603

C/TF

(312) 372-6600, Ext. 61

The coalition provides referrals to legal assistance, counseling services, and emergency housing.

CHICAGO WOMEN COUNSELING COLLECTIVE
5514 W. North Ave.
Oak Park, Ill. 60639

H

(312) 889-4370
Contact: Janet Yanos, Secretary

The collective provides individual and group counseling for battered women. Referrals are made to other resources for special services.

CITIZENS COMMITTEE FOR VICTIM ASSISTANCE
11 S. LaSalle St.
Chicago, Ill. 60603

H

(312) 263-1450 or 782-0377
Contact: Marty Goddard, Executive Director

The committee provides a referral service, and public information and training for hospital, police, courts, and other personnel.

COMMUNITY CRISIS CENTER, INC.
600 Margaret Place
Elgin, Ill. 60120

H;S;W/MS

(312) 697-2380
Contact: Mary Berg, Executive Director

The center provides shelter to women and children, information and referral services, counseling by phone or on walk-in appointment basis, and is open 24 hours a day, 365 days a year.

CRISIS ADVOCATES
c/o YWCA 220 E. Chap St.
Elgin, Ill. 60120

H

(312) 742-7930

Crisis Advocates works with rape and abuse victims, hospitals, police, and courts, in the communities in Dundee, Carpenterville, Elgin, Hanover Park, St. Charles, and Valley View.

ECUMENICAL WOMEN'S CENTER
1653 W. School St.
Chicago, Ill. 60657

H

(312) 348-4970
Contact: Rev. Sally Dries, Director

Ecumenical Women's Center provides advocacy and referral services for abused women and education on women's issues directed to church and church-related organizations.

FAMILY SHELTER SERVICE, INC.
1285 S. Lawler Ave.
Lombard, Ill. 60148

S;W/MS

(312) 469-5650
Contact: Barbara Eychaner, President

The FSS was organized to establish an emergency crisis shelter in DuPage County (west suburban Chicago metropolitan area). The goal is to provide individuals and families facing crisis situations with temporary emergency housing and appropriate supportive services, such as crisis counseling and referrals to established social service agencies.

THE LAKE COUNTY CRISIS CENTER FOR THE PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE
c/o Catholic Charities
4 S. Genesee St.
Waukegan, Ill. 60085
S
(312) 623-1860
Contact: Jean Morris, President; Sara Esgate, Director

Center for women in crisis expected to open in September 1978.

LEGAL CENTER FOR BATTERED WOMEN
343 S. Dearborn St.
Chicago, Ill. 60604
L/L
(312) 663-9440
Contact: Candace J. Wayne, Director

The center provides legal services, including legal representation in civil court, advocates for criminal court, and negotiating with police, prosecutors, and courts. Eligibility is based solely on income. In addition, the center operates a community education program and a general resource center for information.

LOOP CENTER YWCA, WOMEN'S SERVICES DEPARTMENT
37 S. Wabash
Chicago, Ill. 60603
H
(312) 372-6600, ext. 61

The Women's Services Department handles short-term divorce and crisis counseling. The department also refers battered women to individual lawyers on an emergency basis; a fee is charged.

MUJERES LATINAS EN ACCION
1823 W. 17th St.
Chicago, Ill. 60608
S
(312) 266-1544
Contact: Luz Maria Prieto, Executive Director

Mujeres Latinas en Accion provides bilingual counseling and referral services, emergency shelter and legal assistance, and escorts to court hearings.

MUTUAL GROUND, INC.
31 West Downer Place
Aurora, Ill. 60506

S

(312) 896–4636
Contact: Lucille Bailey, Community Planner

Mutual Ground, Inc., plans to open emergency housing for abused women and their children July 1, 1978, and will offer counseling and referrals to other needed services. Approximate length of stay: 3 weeks.

QUAD CITY WOMEN'S CENTER, INC.
400 16th St.
Rock Island, Ill. 62101

S

(309) 793–4095
Contact: Kay Annis, Chairperson

The center provides shelter and counseling services for women in crisis, particularly battered women.

SALVATION ARMY EMERGENCY LODGE
Project on Domestic Violence
800 W. Larence Ave.
Chicago, Ill. 60640

S;W/MS

(312) 275–9383
Contact: Gay Northrup, Project Director

The project provides a special program of extended services to families with a history of violence. Shelter for women and their children is provided, as well as a playschool geared to the needs of children who have experienced or witnessed abuse.

SOJOURN WOMEN'S CRISIS CENTER
915 N. 7th St.
Springfield, Ill. 62702

H;S

(217) 544–2484

Contact: Polly Poskin, Director

The center provides temporary shelter for abused women and their children. Emergency food and transportation is also provided, as well as referral to appropriate services and advocacy in dealing with these agencies. In addition, crisis and peer counseling and a 24-hour crisis phone line are available.

SOUTH WEST WOMEN WORKING TOGETHER
3201 W. 63 St.
Chicago, Ill. 60629

H

(312) 436-0550
Contact: Barbara Shaw

South West Women Working Together is a multiservice center that provides various social services to the community. Services available to battered women include counseling, referrals to other needed services, and hotline intervention.

SOUTHERN ILLINOIS UNIVERSITY, ABCDVD RAP ROOM
SIU-SAO Box 67
Edwardsville, Ill. 62026

H

(618) 692-3764 or 656-8254
Contact: Linda Todoroff, Director

The Rap Room provides information and referral services on many issues of concern to women, including battered women.

WOMEN IN CRISIS CAN ACT (WICCA)
1628A W. Belmont
Chicago, Ill. 60657

H

(312) 528-3303 or 528-3304

WICCA provides a women's hotline service for crisis intervention, referrals, and rap support. It also provides court advocates who accompany battered women to criminal court.

WOMEN'S CENTER
408 W. Freeman
Carbondale, Ill. 62901

S

(618) 529-2324
Contact: Joyce Webb, President

The center provides emergency shelter for 3 days, information and referral service, and counseling.

WOMEN'S PLACE
505 W. Green
Urbana, Ill. 61801

H;S

(217) 384-4390
Contact: Diane McGrath, Director

A Women's Place provides a 24-hotline for battered women and their children who are residents of Champaign County.

WOMEN'S STRENGTH
301 N.E. Jefferson
Peoria, Ill. 61602

H

(309) 674-4443
Contact: Donna Hodges, Project Director

The center provides counseling and referral for battered women in employment, health care, and legal services. Plans are to open a shelter for abused women.

YWCA C.A.R.E.S. (Committee on Abuse and Rape: Emergency Services)
45 Plaza
Park Forest, Ill. 60466

H;W/MS

(312) 748-5660
Contact: Gretchen A. Schuster

The Committee provides services for women victims of abuse and rape, including advocacy and one-to-one counseling.

INDIANA

Local

EVANSVILLE COALITION FOR BATTERED WOMEN (YWCA)
118 Vine St.
Evansville, Ind. 47708

S

(812) 422-1191
Contact: Sarah Whitfield, Executive Director

The coalition provides shelter for 3 days in emergency cases (no facilities for children), offers referral services for emergency aid, and is working to establish a shelter for battered women.

GARY COMMISSION ON THE STATUS OF WOMEN
475 Broadway
Gary, Ind. 46402

Support group

(219) 944-6402
Contact: Rosalie Cohn/Janet Germody

The commission provides referrals for emergency shelter and counseling and advises women of their rights. The commission also conducts research on incidents of abuse, provides community education, and has received funding to establish a shelter.

WOMEN'S ADVOCACY COALITION (YWCA)
4460 Guion Rd.
Indianapolis, Ind. 46254

C/TF

(317) 299-2750
Contact: Marietta Francis, Project Director

The coalition offers referrals, counseling, court escort services, and advocacy for welfare, legal aid, and other needed social services. It is working to obtain funding for a shelter.

WOMEN'S SHELTER (YWCA)
P.O. Box 5338
Fort Wayne, Ind. 46805

H;S

(219) Hotline 424-2554
Contact: Carol DeWeese

The shelter provides a 24-hour hotline, shelter for women and their children, and referrals for other social services.

WOMEN'S SHELTER ADVISORY COMMITTEE OF THE YWCA
802 No. Lafayette Blvd.
South Bend, Ind. 46601

S;W/MS

(219) 233-9491
Contact: Rosemary Hengesbach, Director, Women's Center

The committee provides temporary crisis shelter (24-hour intake) for the victims of domestic violence, with special emphasis on battered women and their children. Other services provided include crisis intervention, counseling, and followup. Outside agencies are used for consultation and liaison services. Sliding scale fee.

Iowa

Local

AID AND ALTERNATIVE FOR VICTIMS OF SPOUSE ABUSE
130 North Madison
Iowa City, Iowa 52240

S

(319) 353-6265; (319) 351-0140 and 338-4800 (hotlines)

Aid provides volunteer homes, counseling, medical and legal referral, public liaison, a support group, a hotline, and a community education program.

THE DOOROPENER
124 N. Federal
Mason City, Iowa 50401

Contact: Shirley Sandage, Director

Referral and training services.

INTEGRATED CRISIS SERVICES FOR BLACK HAWK COUNTY
524 Main St.
Cedar Falls, Iowa 50613

H;S

(319) 277-4735

572

Contact: Judith Copella

Integrated Crisis Services provides 24-hour counseling for battered women, as well as emergency shelter in private homes, support groups, referrals, and public presentations.

POLK COUNTY COALITION FOR BATTERED WOMEN
P.O. Box 7162
Des Moines, Iowa 50309

S

(515) 283-5582
Contact: Michael Johnson, Director

Polk County Coalition for Battered Women is working to establish supportive services for battered women and their children, as well as emergency housing.

SERVICES FOR ABUSED WOMEN
c/o YWCA
318 Fifth St., S.E.
Cedar Rapids, Iowa 52401

S

(319) 365-1458
Contact: Susan Cory, Director Women's Resource Center

Services for Abused Women offers temporary housing to women and their children in crisis situations. The shelter is at a confidential location and is accessible 24 hours a day. Advocates are available to each woman using the shelter to aid in her problem solving and to provide emotional support.

SIOUX LAND TASK FORCE FOR BATTERED WOMEN
Aid Center
722 Nebraska St.
Sioux City, Iowa 51101

C/TF;S

(712) 252-1861
Contact: Carol Dennehy, Chairperson

The task force provides support groups for battered women and their children, legal services for low-income persons, and emergency shelter for 2 days. The task force also provides individual and couple counseling (fee related to income).

YWCA
317 7th Ave., South

Clinton, Iowa 52732

S

(319) 242-2110
Contact: Ann Broshar

YWCA provides counseling, a support group, shelter, and community education.

KANSAS

Local

BATTERED WOMEN'S TASK FORCE FOR TOPEKA
P.O. Box 1883
Topeka, Kans. 66601

C/TF

(913) 233-1750
Contact: Joan Wagnon, Project Director or Susan Upham, Project Director

The task force provides volunteer homes for shelter, volunteer advocates, and referral service for counseling and other services. The task force is currently applying for funding for a shelter.

WOMEN'S CENTER OF MANHATTAN
611 Poyntz (upstairs)
Manhattan, Kans. 66502

S

(913) 539-6914

The center provides emergency shelter.

WICHITA WOMEN'S CRISIS CENTER
P.O. Box 1740
Wichita, Kans. 67201

H;S

(316) 263-6520
Contact: Gladys Rollins, Director

The center provides a shelter for up to 3 weeks for women and children, a hotline, and other services.

WOMEN'S TRANSITIONAL CARE CENTER
P.O. Box 633
Lawrence, Kans. 66044

H;S

(913) 841–0065
Contact: Patty Doria

The center provides counseling, advocacy, and volunteer shelter and referral facilities. Will open a shelter in September 1978.

LOUISIANA

YWCA BATTERED WOMEN'S PROGRAM
3433 Tulane Ave.
New Orleans, La. 70119

H

(504) 486–0377
Contact: Jan Logan, Director

The program provides short-term counseling, assistance in use of local resources, advocacy services, group counseling, 24-hour telephone counseling, and community education.

MAINE

Statewide

MAINE COALITION OF FAMILY CRISIS SERVICES
P.O. Box 653
Bangor, Maine 04401

C/TF

(207) 947–0496
Contact: Nancy Gentile

The coalition coordinates statewide services for battered women.

Local

ABUSED WOMEN'S ADVOCACY PROJECT
P.O. Box 713
Auburn, Maine 04210

S

(207) 783–2042
Contact: Diane Morrell

The project provides emergency shelter and counseling.

AROOSTOOK TASK FORCE
c/oAroostook Mental Health Center
St. Peter Bldg.

Caribou, Maine 04736

C/TF

(207) 493-3361
Contact: Edwina Anderson

No description available.

AUGUSTA TASK FORCE
c/oPine Tree Legal Assistance
35 Franklin St.
Augusta, Maine 04330

C/TF

(207) 622-4731
Contact: Erna Koch

No description available.

CARING UNLIMITED
162 Main St.
Saca, Maine 04072

Support Group

(207) 282-4435
Contact: Andi Fiske

Caring Unlimited provides crisis counseling and is working to obtain a short-term shelter.

FAMILY CRISIS SHELTER
P.O. Box 4255, Station A
Portland, Maine 04101

L/L;R;S

(207) 775-0690
Contact: Mary Price, Program Director

The Family Crisis Shelter is a 24-hour emergency refuge for abused women and their children with a 3-week maximum stay and 10-person capacity. The program also offers counseling on legal aid, housing, child care, and employment, and linkage with existing community resources.
The shelter is involved in a research project under the direction of Dr. Murray Straus, Department of Sociology, University of New Hampshire. Other activities include work on State legislation for programs serving abused women and service development for abusive men.

SPRUCE RUN ASSOCIATION
P.O. Box 653
Bangor, Maine 04401

LA

(207) 947-0496
Contact: Nancy Gentile

Spruce Run provides counseling, referral, and legal services. Women in need of emergency shelter are referred to Bangor's welfare shelter.

MARYLAND

Statewide
MARYLAND COMMISSION FOR WOMEN
1100 N. Eutaw St.
Baltimore, Md. 21201

C/TF

(301) 383-5608
Contact: Dolores Street, Acting Director, Crisis Shelter Coalition

The coalition provides help in developing and implementing shelter programs, acts to provide a communication network for shelters, and acts as a coalition for existing shelters. Membership and quarterly meetings are free and open to the public.

Local
BALTIMORE COUNTY COMMISSION FOR WOMEN
Criminal Justice Coordinator's Offfice
Old County Courthouse
Room 126
Towson, Md. 21204

R;S

(301) 494-4230 or 494-3403
Contact: Margaret V. Clute, Coordinator, Services to Abused Persons

The Criminal Justice Coordinator's Office plans, coordinates, and evaluates all programs and activities relating to the criminal justice field, including family violence. The office is studying the problem of family violence and its impact on the criminal justice system. Staff are writing a comprehensive plan on family violence for use by the county executive and are developing ancillary services, such as a shelter for battered women and their children. Efforts to open a shelter are being made in conjunction with the Baltimore County Commission for

Women. Research efforts are also being conducted in the area of alternative sentencing.

BALTIMORE TASK FORCE ON BATTERED WOMEN
Box 1943
Baltimore, Md. 21203

C/TF

(301) 727-7777
Contact: Ms. Brian Gamble, Chairperson

The task force provides community education and works with existing agencies to encourage the provision of adequate services to battered women.

BATTERED WOMEN TOGETHER (House of Ruth)
2402 N. Calvert St.
Baltimore, Md. 21218

Support Group

(301) 889-RUTH
Contact: Anyone who answers

Battered Women Together provides a no-fee, ongoing, self-help, support group focusing on self-improvement for battered women.

CITIZENS AGAINST SPOUSAL ASSAULT OF HOWARD COUNTY (CASA)
5305 Hesperus Dr.
Columbia, Md. 21044

Support Group

(301) 977-1264
Contact: Carol Lane (301) 977-7449; Maxine Foreman (301) 596-3410

CASA offers a weekly support group for battered women and plans to initiate a hotline and a network of shelter homes in the near future.

LEGAL AIDE SOCIETY
100 Cathederal St.
Annapolis, Md. 21401

S

(301) 263-8330
Contact: Sarah Stewart

The society provides counseling assistance and operates a shelter for women and their children in Anne Arundel County only. Women seeking aide from the shelter should contact the Maryland State Police, the Anne Arundel County Police, the Annapolis City Police, or the Women's Center of the Annapolis YWCA (301—268-4393).

MARYLAND CHILDREN'S AID AND FAMILY SERVICE SOCIETY, INC.
22 N. Court St.
Westminister, Md. 21157

S

(301) 876-1233
Contact: Kyle Sanders Palla
and
CARROLL COUNTY DEPARTMENT OF SOCIAL SERVICES
95 Carroll St.
Westminister, Md. 21157

S

(301) 848-5060

The two agencies coordinate a battered spouse program, providing emergency shelter to a rural area of Maryland. They also provide social services and legal referral, as well as ongoing counseling for the entire family, including the abusing spouse.

MONTGOMERY COUNTY DEPARTMENT OF SOCIAL SERVICES—ABUSED PERSONS
5630 Fishers Lane
Rockville, Md. 20852

S

(301) 270-9319
Contact: Cynthia Anderson

The abused persons program provides emergency shelter for a maximum of 21 days (fee is 25 percent of disposable income where possible), counseling for the abused and abuser, and referral to other necessary services.

WOMEN'S LAW CENTER, INC.
2205 N. Charles St.
Baltimore, Md. 21202

C/TF

(301) 366-2232
Contact: Hazel Warnick, President

The center seeks to eliminate sex discrimination under the law and provides legal counsel, referrals, and an education program. The center also conducts a task force on battered women in cooperation with other organizations.

MASSACHUSETTS

Local

BATTERED WOMEN'S ACTION COMMITTEE
P.O. Box 160
Roxbury Crossing Station, Mass. 02120

L/L;R

The committee is concerned with short-term policy change, with emphasis on the criminal justice system, and long-term social change to eliminate violence against women.

CAMBRIDGE YWCA
7 Temple St.
Cambridge, Mass. 02139

L/L;S

(617) 491-6050
Contact: Laurie Husserl, Community Relations Director; Mary Faith Sutton, Residence Director

The YWCA provides shelter to women and their children on a referral basis from Transition House. Volunteer training is offered every 10 weeks to women who want to work in shelters.

NEW ENGLAND LEARNING CENTER FOR WOMEN IN TRANSITION (NELCWIT)
310 Main St.
Greenfield, Mass. 01301

S;W/MS

(413) 772-0806
Contact: Joan Kamman, Direct Services Coordinator

The center provides emergency shelter, counseling, advocacy, support groups, and information and referral for battered women and their children. NELCWIT also provides other supportive services for no fee, and male abusers who seek help are referred to an evolving men's support network.

RESPOND, INC.
1 Summer St.
Somerville, Mass. 02143

S

(617) 623-5900
Contact: Martha Black, Director

RESPOND provides weekly support groups, temporary emergency housing for battered women and their children, community education, and referrals to other services.

TASK FORCE ON BATTERED WOMEN
c/o YWCA
26 Howard St.
Springfield, Mass. 01105

C/TF;S

(413) 732-3121

The Task Force on Battered Women is a multiracial group of women who work to serve the needs of battered women in the greater Springfield vicinity. The task force provides medical, legal, and psychological counseling and referral, in addition to support groups and minimal temporary shelter on an emergency basis.

TRANSITION HOUSE
c/o Women's Center
46 Pleasant St.
Cambridge, Mass. 02139

H;S

(617) 661-7203 (crisis hotline) or
(617) 354-2676 (administrative office)

Transition House provides shelter for women and children, weekly support groups, a 24-hour crisis hotline, and referrals for other services. Advocacy for residents of the house in dealing with legal, medical, social service, and other public agencies is also provided. In addition, legal advocacy training is offered to volunteers.

MICHIGAN

Statewide

MICHIGAN HOUSE OF REPRESENTATIVES
State Capitol
Lansing, Mich. 48909

(517) 373-9554
Contact: Debra Theado

The Michigan Legislature has developed a special committee of House and Senate members to study the problem of spouse abuse and make recommendations on legislation.

Local

ASSAULT CRISIS CENTER
561 N. Hewitt
Ypsilanti, Mich. 48197

H;S

(313) 434-9881 (business)
(313) 668-8888 (crisis)
Contact: Jody Bisdee, Director; Julie Hatchard, Education Director

The center provides 24-hour crisis intervention, short-term therapy and support groups, legal information and advocacy, referrals to community services, and temporary shelter up to 3 nights for women and children. It also provides training for police, hospitals, counseling centers, and the public.

COUNCIL AGAINST DOMESTIC ASSAULT
P.O. Box 14149
Lansing, Mich. 48901

C/TF

(517) 372-5573
Contact: Kate Young, Coordinator

The council is a community group working to start a shelter for battered women in Lansing.

EVERYWOMAN'S CENTER
310 E. 3rd St.
Flint, Mich. 48502

W/MS

(313) 238-7671
Contact: Nancy Bowman, Coordinator

The center provides counseling, support groups, advocacy, crisis intervention, and referral to community services.

EVERYWOMAN'S PLACE
23 Strong Ave.

Muskegon, Mich. 49441

S

(616) 726–4493
Contact: Beverly Geyer, Director

Everywoman's Place provides counseling, advocacy, temporary shelter for women and children, child care, job referral, and referral to community services.

NOW DOMESTIC VIOLENCE PROJECT

1917 Washtenaw Ave.
Ann Arbor, Mich. 48104

C/TF;S

(313) 995–5460
Contact: Kathleen Fojtik, Director

The NOW project serves noncrisis victims, agency personnel, and the public at large, and focuses on raising public awareness of domestic violence issues through community education services, which include: coordination of a multiagency community council, public speaking, agency consultation, research, publications, and maintenance of a resource center. Beginning in the spring of 1978, the project will provide shelter for women and their children, support counseling, and referral to other community services.

RAPE/SPOUSE ASSAULT CRISIS CENTER

29 Strong Ave.
Muskegon, Mich. 49441

H;S

(616) 726–4493 (business) (616) 722–3333 (crisis)
Contact: Sue Ashby, Program Coordinator

The center provides a 24-hour crisis line, shelter, professional counseling, child care, victim advocacy, and referrals to other services. The center also provides community education, services of a special assistant prosecuting attorney assigned to the center, and training for police and medical personnel.

SISTERS FOR HUMAN EQUALITY (SHE)

Women's Division of the Open Door Crisis Center
1320 S. Washington
Lansing, Mich. 48910

H;S

(517) 374–0818

Contact: Pat Thiel, Acting Director

SHE is a comprehensive battered women's program including predivorce counseling, long-term counseling, advocacy, referrals for temporary shelter, a hotline, a 'do-it-yourself' divorce kit for a no-fault divorce, other community services, and a speakers' bureau.

UNDERGROUND RAILROAD
P.O. Box 565
Saginaw, Mich. 48601
H;S
(517) 755-0411
Contact: Barbara Klimaszewski, Coordinator

The Underground Railroad provides temporary shelter for battered women and their children, counseling, referral services, and a 24-hour telephone line.

WOMEN'S CRISIS CENTER
211 S. Rose (YWCA Bldg.)
Kalamazoo, Mich. 49007
S;W/MS
(616) 343-9496
Contact: Carolyn Krill, Director

The center is a 24-hour crisis center oriented toward domestic violence. The center provides counseling, legal information, shelter for women and children, and referral to community services.

WOMEN'S SURVIVAL CENTER
171 West Pike
Pontiac, Mich. 48058
H
(313) 335-1520
Contact: Myra Kreuger, Director

The center provides counseling and support groups, a mothers' group, telephone crisis intervention, referral for temporary shelter, and other community services.

YWCA-BATTERED WOMEN
269 W. Huron St.
Pontiac, Mich. 48053

S

(313) 334-0973
Contact: Mary Ellen Wasserburger, Executive Director

The YWCA's battered women's program will provide (as of fall 1978) shelter for women and children and referral for legal, police, and social services.

YWCA SPOUSE ASSAULT TASK FORCE FOR BERRIEN COUNTY
508 Pleasant St.
St. Joseph, Mich. 49085

C/TF;H

(616) 983-1561
Contact: Margie Howard, Coordinator

The task force provides a referral service, emergency food, clothing, counseling, and has one room available for emergency shelter. Volunteers act as advocates to assist victims with service agencies and the legal system.

MINNESOTA

Local

ANOKA COUNTY TASK FORCE FOR BATTERED WOMEN, INC.
c/o Mary Zagaros
403 Jackson St. No. 306
Anoka, Minn. 55303

C/TF

The task force provides community education in schools, law enforcement agencies, hospitals, and social service agencies. It also provides advocacy and counseling for battered women and their families.

BATTERED WOMEN RESOURCE CENTER
Community Planning Organization
333 Sibley St., Rm. 503
St. Paul, Minn. 55101

Resource Center

(612) 291-8323

The center contains a collection of articles, books, periodicals, audio tapes, and legislative material on battered women. Also available is a slide show with a speaker from the Women's Consortium; a study, *Battered Women: The Hidden Problem* ($4.00); and an annotated bibliography ($0.75).

BATTERED WOMEN'S CONSORTIUM
540 Johnston
c/o Minnesota Women's Center
Minneapolis, Minn. 55455

C/TF

(612) 376-2774 (business)

The consortium is a group of professional and grassroots service providers and works on broad issues related to battered women, such as legislation, community education, and police and hospital emergency room training.

COMMUNITY ACTION COUNCIL, INC.
ATTN: Suzanne Runte
13710 Nicollect Ave. South
Burnsville, Minn. 55337

Support Group

(612) 894-4212

The council provides services to battered women, individual advocacy, support groups, and community education.

FREEBORN-MOWER MENTAL HEALTH CENTER
ATTN: Jamie Carlson
908 1st Dr. N.W.
Austin, Minn. 55912

Support Group

The center provides advocacy for battered women.

HARRIET TUBMAN WOMEN'S SHELTER
3001 Oakland Ave. South
Minneapolis, Minn. 55407

S

(612) 827-2841

The shelter provides shelter and supportive advocacy services to battered women and their children. The staff are also involved in training programs and community education.

MID-MINNESOTA WOMEN CENTER, INC.
ATTN: Louise Seliski
P.O. Box 602
Brainerd, Minn. 56401

W/MS

(218) 828-1216

The center has a full-time advocate for battered women and provides community education.

NORTHEASTERN MINNESOTA COALITION FOR BATTERED WOMEN
P.O. Box 6345
Duluth, Minn. 55806

C/TF;S

(218) 722-0222

The coalition offers shelter and supportive advocacy services to battered women and their children. The staff is also involved in training programs and community education.

SOUTHWEST WOMEN'S SHELTER, INC.
c/o Women's Resource Center
CA 269, Southwest State University
Marshall, Minn. 56258

S

Southwest Women's Shelter plans to open a shelter in May 1978.

TRI-HOUSE, INC. TRANSITIONAL COOPERATIVE
753 Marshall
P.O. Box 4022
St. Paul, Minn. 55104

S

(612) 645-9683
Contact: Anybody

Tri-House provides shelter for women in crisis with or without children who are not under current local threat of physical abuse (fee based on ability to pay) and intermediate placement for those requiring extended support. It also provides liaison with service agencies and a personal growth planning program.

WOMEN'S ADVOCATES
584 Grand Ave.
St. Paul, Minn. 55102

H;S

(612) 227-8284 (hotline) or 227-1985 (business)

Women's Advocates provides a 24-hour crisis line, shelter for women and their children, ongoing support services, a children's program, advocacy, community education, information, and referrals.

WOMEN'S SHELTER BOARD, INC.
ATTN: Mary Beeman
P.O. Box 6142
Rochester, Minn. 55901

S

The board provides safe homes and individual advocacy for battered women and their children. It is also involved in community education.

YWCA
603 S. 2nd St.
Mankato, Minn. 56001

Support Group

(507) 345-4629
Contact: Marcello Rang

The YWCA has a full-time advocate for battered women and provides community education.

MISSOURI

Local

ST. LOUIS ABUSED WOMEN'S SUPPORT PROJECT, INC.
P.O. Box 24193
St. Louis, Mo. 63130

C/TF

(314) 453-5380
Contact: Nan Cinnater, U.M.S.L. Women's Center

The project is in the process of establishing a shelter for battered women in the St. Louis area. It is also currently involved in community education.

TASK FORCE FOR BATTERED WOMEN
Volunteer Action Center/Information
Metropolitan Information & Referral Center
Union Station, Rm. 120
Kansas City, Mo. 64108

C/TF

(816) 421–4980

The task force provides a clearinghouse for information and referrals regarding resources for battered women.

WOMEN'S SELF HELP CENTER
27 N. Newstead Ave.
St. Louis, Mo. 63108

H;S;W/MS

(314) 531-2003 or 534–RAPE (24 hrs.)
Contact: Louise Bauschard

The center offers no-fee, 24-hour crisis intervention, emotional support, advocacy, and temporary shelter for battered women. It is also involved in community education and training programs.

NEBRASKA

Statewide

NEBRASKA DEPARTMENT OF PUBLIC WELFARE, DOMESTIC VIOLENCE PROJECT
5th Floor
301 Centennial Mall South
Lincoln, Nebr. 68509

C/TF;L/L

(402) 471-3121
Contact: Elden Erlick, Director

The domestic violence project is a statewide, rural-oriented effort to assist domestic abuse victims. The project is aimed at developing local resources and stimulating community awareness to promote the creation of volunteer groups that will offer direct services to victims. Other activities include the drafting and promotion of legislation, development and implementation of statistical surveys, and publication of a survival guide for victims.

NEBRASKA STATE TASK FORCE ON DOMESTIC VIOLENCE
230 S. 5th Ave.
Burwell, Nebr. 68823
C/TF

(308) 346–4987 or 346–4015
Contact: Shirley Meckel, President

The Nebraska State Task Force on Domestic Violence coordinates the organizing of local task forces on domestic violence throughout the State. There are approximately 25 local task forces. The task force also assists new groups organizing to provide services or community education on the issue of domestic violence.

Local

COMMUNITY ACTION OFFICE OF GERING
1840 7th St.
Gering, Nebr. 69341
W/MS

(308) 436–5076
Contact: Rita Williams, Coordinator

Community Action Office provides advocacy, support services, and can provide crisis housing.

GRAND ISLAND TASK FORCE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT
YWCA, P.O. Box 1008
Grand Island, Nebr. 68801
C/TF

Contact: Terry Thayer

The task force provides crisis counseling, emergency shelter, information on legal and medical services, and liaison with community agencies.

HASTINGS TASK FORCE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT
P.O. Box 50
S. Central Community Mental Health Center
Hastings, Nebr. 68901

C/TF;H

(402) 462-6800 (hotline)
Contact: Billy Joe Diekhaus

The task force provides a 24-hour hotline, crisis counseling, emergency shelter, information on legal and medical services, and liaison with community agencies.

KEARNEY TASK FORCE ON DOMESTIC VIOLENCE AND SEXUAL ASSAULT
Community Mental Health Center
Kearney, Nebr. 68847

C/TF;H

(308) 237-5951
(308) 234-1867
Contact: Marianna Vargas

The task force provides a 24-hour hotline, crisis counseling, emergency shelter, information on legal and medical services, and liaison with community agencies.

NORFOLK TASK FORCE ON DOMESTIC VIOLENCE
1102 Prospect
Norfolk, Nebr. 68701

C/TF;H

(402) 371-6901

The task force provides advocacy, therapy, emergency short-term shelter, and a hotline—(800) 672-8323—for a 22-county area in northeast Nebraska.

NORTH PLATTE PROTECTIVE COMMITTEE
Lincoln County Courthouse
North Platte, Nebr. 69101

H

(308) 534-4350
Contact: Mary Ann Vainiunas

The committee provides a hotline (1-800-622-2908), crisis counseling and referral, information on legal and medical services, and liaison with local agencies.

UNITED METHODIST METROPOLITAN MINISTRIES
124 S. 24th St.

Omaha, Nebr. 68102

S

(402) 444-5032
Contact: Jody Kinsey, Cheri Robinson, Co-chairpersons

U.M.M. Ministries provides temporary shelter, crisis intervention, and advocacy program.

NEVADA

Local

WOMEN'S CRISIS SHELTER
P.O. Box 43264
Las Vegas, Nev. 89104

H;S

(702) 382-4428
(702) 382-3111 (24-hour hotline)
Contact: Gail Robinson, Project Director

The shelter houses women who have made the decision not to remain with abusive spouses. Housing is provided for up to 1 month. Assistance is provided to women in developing alternatives to their abusive environments. A support group meets once a week.

NEW HAMPSHIRE

Statewide

NEW HAMPSHIRE COALITION ON BATTERED WOMEN
72 Concord St.
Manchester, N.H. 03101

C/TF

(603) 625-5785
Contact: Liz Hebbel

The coalition is composed of concerned individuals and groups who have joined together to respond to the problem of battered women in New Hampshire. Its primary objectives are to assess the needs of battered women and their families, coordinate and support local groups organized to help battered women, educate the public about the problem, strengthen existing services for battered women, and encourage the provision of new services for battered women.

Local

CONCORD TASK FORCE ON BATTERED WOMEN
N.H. Legal Assistance
136 N. Main St.

Concord, N.H. 03301
C/TF

(603) 224-3333
Contact: Helen Head

KEENE TASK FORCE
N.H. Legal Assistance
Box 59
Keene, N.H. 03431
C/TF

(603) 352-5533
Contact: Diane Koller

MANCHESTER AREA TASK FORCE ON BATTERED WOMEN
YWCA, 72 Concord St.
Manchester, N.H. 03101
C/TF

(603) 625-5785

SEACOAST TASK FORCE ON FAMILY VIOLENCE
c/o Rockingham County CAP
50 School St., Box 1301
Portsmouth, N.H. 03801
C/TF

(603) 436-3896
Contact: Margaret Montore

UPPER VALLEY COALITION FOR BATTERED WOMEN
c/o WISE
38 S. Main St.
Hanover, N.H. 03755
C/TF

(603) 643-5133
Contact: Rebecca Riley

NEW JERSEY

Local

AID TO WOMEN IN CRISIS
Box 806
Camden, N.J. 80103
H;W/MS

(609) 428-0505

Contact: Jackie Chanudet, Director

Phone counseling and referrals to legal advocacy, welfare services, and employment assistance are available between the hours of 9:00 a.m. and 9:00 p.m. There are plans for a shelter in the future.

BATTERED WOMEN PROJECT
Rutgers Law School
Women's Rights Litigation Clinic
15 Wash. St.
Newark, N.J. 07102

R

(201) 648-5637
Contact: Nadine Taub

The project is involved in legal research on equitable remedies in abuse cases; it does not provide legal representation for individual clients.

BERGEN COUNTY ADVISORY COMMISSION ON THE STATUS OF WOMEN
170 State St.
Hackensack, N.J. 07601

R

(201) 646-3398
Contact: Joan Borders, Gertrude Schwimmer, Phoebe Seham, Cochairpersons

The commission has available a report, *Crimes of Violence Against Women: Rape and Battered Women* .

SHELTER OUR SISTERS
2357 Lemoine Avenue
Hackensack, N.J. 07601

H;S;LA

(201) 994-9600
Contact: Sandy Ramos, Executive Director

S.O.S. has an emergency shelter and does crisis intervention and rescue. Staff members provide accompaniment to police and referrals to social services, and a staff lawyer gives legal assistance. By October 1978 child care facilities will be available.

WOMEN'S RESOURCE AND SURVIVAL CENTER
57 W. Front St.
Keyport, N.J. 07735

S;W/MS

(201) 264-4111
Contact: Margaret Heller, Director

The center provides emergency shelter for battered women, counseling, client legal and welfare advocacy, crisis intervention, community education, political advocacy, and training for service agency personnel. This no-fee, multiservice agency works primarily with low-income and welfare women.

WOMEN'S SHELTER
Bergen County Community Action Program, Inc.
215 Union St.
Hackensack, N.J. 07601

H;S

(201) 487-8484
Contact: Natalie Webb, Social Work Administrator; Gayle Eisen, Chairperson

Women's Shelter provides the following no-fee services to battered women: crisis intervention, temporary shelter, immediate and long-range counseling, and assistance with medical, emotional, legal, housing, welfare, child-care, and employment problems. It also provides a hotline.

NEW MEXICO

Local

ALBUQUERQUE SHELTER FOR VICTIMS OF DOMESTIC VIOLENCE
P.O. Box 6472
Albuquerque, N. Mex. 87197

S

(505) 247-4219
Contact: Connie Martinez

No description available.

BATTERED WOMEN SHELTER
P.O. Box 1501
Santa Fe, N. Mex. 87501

S

(505) 982-8516
Contact: Sharon Gardner, Counselor

Battered Women Shelter provides individual and group counseling, 24-hour temporary emergency shelter, and referral to other services such as legal aid, employment, housing, and social services. It is also involved in community outreach and public relations education services.

COUNSELING AND RESOURCE CENTER
P.O. Box 1583
Raton, N. Mex. 87740

Support Group

(505) 445-5561
Contact: Judy Jeffreys

The center provides counseling, referral, and support services.

A HOME FOR BATTERED WOMEN AND CHILDREN
P.O. Box 1805
Shiprock, N. Mex. 87402

Support Group

(505) 368-4407
Contact: Bella Rogers McCabe

The organization has begun planning for a battered women's shelter on the Navajo Reservation.

MENTAL HEALTH RESOURCES CENTER
300 E. 1st St.
Portales, N. Mex. 88130

W/MS

(505) 359-1221
Contact: Roger Siddall

The center provides counseling, referral, and support services.

SANTA FE COUNSELING & RESOURCE CENTER
621 Old Santa Fe Trail
Santa Fe, N. Mex. 87501

S

(505) 982-8516
Contact: Cynthia Dames

No description available.

SOUTHWEST COMMUNITY MENTAL HEALTH CENTER
575 N. Main St.
Las Cruces, N. Mex. 88001

W/MS

(505) 526-3371
Contact: Susan Morley

The center provides counseling, referral, and support services.

WOMEN'S CENTER COMMITTEE
P.O. Box 2433
Farmington, N. Mex. 87401

Support Group

Contact: Pam Martin

The committee provides counseling, referral, and support services. The committee is planning on starting a shelter in the near future.

NEW YORK

Statewide

NEW YORK COALITION FOR BATTERED WOMEN
3002 Wilson Ave.
Bronx, N.Y. 10469

C/TF

(212) 655-0877
Contact: Yolanda Bako, Steering Committee Member

The coalition provides coordination services for groups that work on the problems of battered women.

Local

ABUSED SPOUSE CENTER
Mental Health Association of Westchester
29 Sterling Ave.
White Plains, N.Y. 10606

H; W/MS

(914) 948-3400 (hotline)
(914) 949-6741 (office)

The center provides free assistance to battered spouses and their children. Services that are available include a hotline for emergency counseling, information, and referral; walk-in, short-term counseling and referral to appropriate resources and agencies; court assistance; referrals to emergency housing; and educational services to the community on family violence.

ABUSED WOMEN'S AID IN CRISIS
GPO 1699
Cathedral Station
New York, N.Y. 10001
H;S
(212) 686-1676 (hotline)
(212) 686-3628 (office)
Contact: Maria Roy, Director

Abused Women's Aid in Crisis provides monthly outreach meetings, counseling, a hotline, and emergency shelter.

AFTERHOUSE COMMITTEE OF THE TASK FORCE FOR VICTIMS OF DOMESTIC VIOLENCE
c/o Community Action Organization of Erie County
70 Harvard Place
Buffalo, N.Y. 14209
W/MS
(716) 881-5150
Contact: Paula Battaglia, Coordinator

Afterhouse provides counseling, information on police, court, legal, and financial procedures, and plans to open a shelter in the near future.

ALTERNATIVES FOR BATTERED WOMEN
1921 Norton St.
Rochester, N.Y. 14609
C/TF;H
(716) 266-6684
Contact: Carole Anderson, President; Margaret Grosshans, Director

Alternatives for Battered Women provides counseling and referrals to existing services agencies and community education. Plans are to open a shelter in the spring of 1978.

BATTERED WOMEN ASSISTANCE PROGRAM
Community Health Center, Inc.
26 North St. Rm. 54
Middletown, N.Y. 10940

C/TF;LA;W/MS

(914) 343-3750
Contact: Nicki Morgan, Alex Smith, Carmen Sanchez

Battered Women Assistance Program provides legal information, counseling, advocacy, legal representation in court, emergency housing, and other necessary supportive services.

BATTERED WOMEN'S PROGRAM
N.Y. City's Human Resource Administration
250 Church St.
New York, N.Y. 10003

H;S

(212) 581-4911 or 581-4912, hotline
Contact: Marsha Stevenson, Director

Battered Women's Program provides a hotline, shelter, counseling, and referral for financial assistance.

BATTERER COUNSELING SERVICE
574 Metropolitan Ave.
Brooklyn, N.Y. 11211

Counseling Service

(212) 387-6902
Contact: Donato Lamonaca, Certified Rehabilitation Counselor

Batterer Counseling Service offers no-fee counseling to the batterer and to couples free of charge.

BROOKLYN LEGAL SERVICES CORP. B
105 Court St.
Brooklyn, N.Y. 11201

LA

(212) 855-8029
Contact: Marjory Fields, Managing Attorney

Brooklyn Legal Services Corporation provides free legal services for poor people. The family law unit provides immediate emergency legal advice and representation for battered women and referral to shelters and support services. A handbook on representing battered women (Spanish and English) is available for $3.00.

COALITION FOR ABUSED WOMEN
P.O. Box 94

East Meadow, N.Y. 11554

C/TF;H;W/MS

(516) 542-2846 or 579-4433
(516) 542-2594 (hotline)
Contact: Beverly Merkinger, Co-chairperson

The coalition is a group of community agencies, hospitals, mental health centers, and individuals formed to provide services in Nassau County to battered women. The coalition provides a 24-hour hotline, short-term crisis counseling, individual and group family counseling, and advocacy in the courts and for social services. In addition, it has a referral file, is involved in community education, and serves as a clearinghouse for the exchange of information and referral.

COUNSELING CENTER FOR COUPLE COMMUNICATION

c/o Gloria Title
139 East 35 St.
New York, N.Y. 10016

Counseling Service

(212) 685-0993

The center provides counseling for individuals and couples with marital problems, specifically battering. Social worker and counselor available for services.

CRIMES AGAINST WOMEN COMMITTEE

New Directions Resource Center
5 W. 2nd St.
Riverhead, N.Y. 11901

(516) 727-7103
Contact: Jeanne T. Block, Coordinator

No description available.

FAMILY ABUSE PROJECT

c/o Manhattan Family Court
60 Lafayette St. Rm. 4E22
New York, N.Y. 10013

Support Group

(212) 766-9587 or 766-9588
Contact: Lauren Wedeles

The Family Abuse Project is sponsored by Henry Street Settlement and is not an official part of the Family Court. The project provides free and confidential services, which include information about the court, shelters, and other resources; help and support through the court process; short-term counseling and help in solving problems; and referrals for other kinds of services.

ITHACA TASK FORCE FOR BATTERED WOMEN
426 W. Court St.
Ithaca, N.Y. 14850

TF

Contact: Rebecca Bell Williams

No description available.

JANE ADDAMS CENTER
P.O. Box 848
New York City, N.Y. 10004

Support Group

(212) 732-2627
Contact: Louise Connor, Project Coordinator

The center provides telephone crisis intervention and referral services to legal advocacy, social services, and shelter. Future plans include individual and group counseling and community outreach and speaking. Center advocates are working to sensitize hospital emergency room staff to the special problems of battered women and plan to train additional volunteers for this project.

LITIGATION COALITION FOR BATTERED WOMEN
MYF Legal Services
759 10th Ave.
New York, N.Y. 10019

LA

(212) 581-2810
Contact: Amy Herman

The litigation coalition is comprised of four New York City-based law organizations: MYF Legal Services, the Center for Constitutional Rights, Brooklyn Legal Services, and the Legal Aid Society/Civil Division. The coalition filed a lawsuit (Bruno v. Codd) in Manhattan Supreme Court (December 1976) to enforce the legal obligations of the police and family court in New York City regarding battered wives.

MAYOR'S TASK FORCE ON RAPE, BATTERED WOMEN AND CHILD ABUSE
Office of the Mayor, City of New York
53 Chambers St. Rm. 112
New York, N.Y. 10007

C/TF;S;W/MS

(212) 566–0382 or 566–0383 or 566–1010
Contact: Paulette Owens

The task force offers crisis intervention, counseling, and referral services (legal, shelter, social service agencies) to rape victims, battered women, and abused children through four borough centers that are open 24-hours a day, 7 days a week.

NEW YORK COALITION ON BATTERED WOMEN
c/o American Friends Service Committee
15 Rutherford Place
New York, N.Y. 10003

C/TF

(212) 777–4600
Contact: Joan Swan, Eleanor Kremen

The coalition provides coordination for battered women's groups, development of services, and community education.

QUEENS TASK FORCE ON BATTERED WOMEN
133–76 Hook Creek Blvd.
Rosedale, Queens 11422

C/TF

(212) 834–7310
Contact: Jean Cincotta

The task force works with public and private agencies and organizations in establishing services for battered women and coordinating with existing services and programs.

WESTERN ORANGE COUNTY COALITION FOR ASSISTANCE TO BATTERED WOMEN
c/o Community Health Center
164 W. Main St.
Middletown, N.Y. 10940

C/TF

(914) 343–3750
Contact: Judith Gallagher, Project Director

The coalition is developing a battered women's advocacy and assistance program with the following objectives: publication of a booklet detailing legal rights and options of battered women and available community resources, provision of legal representation and advocacy to women, referral to appropriate community agencies, and identification of finding sources to develop a temporary shelter for battered women and their children.

WOMEN'S CENTER AND RAPE CRISIS CENTER
P.O. Box 354
Binghamton, N.Y. 13902

H;W/MS

(607) 722-4257
Contact: Margaret Johnston, Director

The center provides counseling, advocacy, and support to battered women; coordinates needed social services; provides a 24-hour helpline and support groups for battered women; and is involved in community organizing.

WOMEN'S COUNTRY HOUSE
P.O. Box 286
Bearsville, N.Y. 12409

S

Women's Country House provides shelter for battered women.

WOMEN'S SURVIVAL SPACE
P.O. Box 279
Bay Ridge Station
Brooklyn, N.Y. 11220

S

(212) 439-4612
Contact: Rosemarie Reed, Director

Women's Survival Space provides shelter for battered women.

NORTH CAROLINA

Statewide

WOMEN'S AID: SERVICES FOR ABUSED WOMEN
P.O. Box 1137
Greensboro, N.C. 27402

C/TF;H;S

(919) 373-2390
Contact: Sharron E. Hicks, President

Women's Aid is a statewide task force and coalition. It provides legal liaison and legislative services to groups within the State. Women's Aid also provides a 24-hour hotline, advocates, an emergency shelter for battered women, counseling for women, men, and children, and assistance with police and court proceedings.

Local

BATTERED WOMEN'S ACTION COMMITTEE
1615 Lyndhurst Ave.
Charlotte, N.C. 28203

(704) 334-9655
Contact: J.C. Honeycutt, Coordinator

No description available.

BATTERED WOMEN'S SERVICES
201 Glade St.
Winston-Salem, N.C. 27101

H;S

(919) 723-8125
Contact: Sandra Brimmer, Director

Battered Women's Services provides a 24-hour hotline, advocates, temporary housing, counseling, support groups, and referrals to services for battered women.

HIGH POINT WOMEN'S SHELTER, INC.
P.O. Box 826
High Point, N.C. 27261

H;Support Group

(919) 882-2772
Contact: Dorothy R. Burnley, President; Wilma J. Reich, Director

The shelter provides support and referral services through an advocates' program and a hotline. A shelter is expected to be operating before the end of 1978.

601

NORTH DAKOTA

Local

BADLANDS HUMAN SERVICE CENTER
Pulver Hall DSC Campus
Dickinson, N. Dak. 58601

W/MS

(701) 227-2771
Contact: Lee Smutzler, Executive Director

The center is a multiservice center that provides social services to those in need, including battered women.

WOMEN ABUSE
P.O. Box 1515
1325 S. 11th St.
Fargo, N. Dak. 58102

S

(701) 232-3369

Women Abuse serves the Fargo-Moorhead area and offers safe homes for battered women and children, public education, and advocacy.

OHIO

Statewide

TASK FORCE ON DOMESTIC VIOLENCE
Office of the Attorney General
State Office Tower
30 E. Broad St.
Columbus, Ohio 43215

C/TF

(614) 466-4956
Contact: Arlene Lynch, Special Assistant to the Attorney General

The task force completed a study on domestic violence in the State of Ohio that is available from the Attorney General's Office (Task Force Report on Domestic Violence).

Local

ACTION FOR BATTERED WOMEN
P.O. Box 15673
Columbus, Ohio 43215

C/TF

Action for Battered Women is a coalition of directors of shelters and programs for battered women.

AKRON TASK FORCE ON BATTERED WOMEN
146 S. High St.
Akron, Ohio 44308

C/TF;S

(216) 762-6685
Contact: Karen Niles, Coordinator

The task force provides temporary shelter for women and children, counseling, and referral to community services.

BATTERED WOMEN PROJECT
141 W. 3rd St.
Dayton, Ohio 45402

H;S

(513) 222-0874
Contact: Sue Gasper, Director

The project provides emergency shelter for women and children up to 3 weeks, 24-hour crisis intervention, counseling, advocacy, and referral to community services.

CITY MISSION RESCUE HOME
338 N. Main St.
Findlay, Ohio 45840

S

(419) 423-9151
Contact: Mabel Lee, Director

The rescue home provides temporary shelter up to 5 days for women and children, counseling, and referral to community services.

CRISIS LINE
224 N. 4th St.
Coshocton, Ohio 43812

H

(614) 622-0033
Contact: Terry Swango, Director

Crisis Line provides 24-hour crisis intervention and referral to community services.

EMERGENCY LODGE
266 Oak St.
Columbus, Ohio 43215

S

(614) 464-9877
Contact: Marne Zerbe, Director

Emergency Lodge provides emergency, short-term shelter for women and children and referral to community services.

HAKE CRISIS SHELTER FOR ABUSED WOMEN
5021 Fairfield Circle
Fairfield, Ohio 45014

S

(513) 874-3690
Contact: Lois Hake, Director

The shelter provides emergency shelter for women and children up to 2 weeks, counseling, advocacy, visitation services, and referral to community services.

HEIDI HOUSE
P.O. Box 8053
Columbus, Ohio 43215

S

(614) 451-2329
Contact: Nancy Blake, Executive Director

Heidi House provides long-term services, including shelter for women and children up to 6 months, supportive and counseling services, continuing supportive services after termination of residence, advocacy, and referral to community services.

THE LINK
525 Pike St.
Bowling Green, Ohio 43402

H

(419) 352-1545
Contact: Dr. Harve Meskin, Director

The Link provides 24-hour counseling, crisis intervention, and referral to community services.

MY SISTER'S PLACE
P.O. Box 1158
Athens, Ohio 45701

S

(614) 593-3402
Contact: Sue Allen, Director

My Sister's Place provides temporary shelter for women and children, counseling, and referral to community services. It serves Athens, Hocking, Meigs, and Vinton Counties.

PHOENIX HOUSE
P.O. Box 8323
Columbus, Ohio 43201

S

(614) 294-3381
Contact: Carol Jorgensen, Director

Phoenix House provides emergency housing for women and children up to 4 weeks, child care, advocacy, and referral to community services.

PROJECT WOMAN
22 E. Grand
Springfield, Ohio 45506

W/MS

(513) 325-3707
Contact: Donna Hart, Director

Project Woman provides emotional support as well as factual information and referral to victims of domestic assault. Services include a 24-hour hotline, a full-time counselor, a speakers' bureau, and funding for emergency temporary shelter. Project Women operates a task force (C-SAW, Citizens for the Safety of Abused Women) that is working to establish a shelter for battered women in Springfield.

VICTIM-WITNESS DIVISION
41 N. Perry St.
Dayton, Ohio 45402

L/L

(513) 223-8085

Contact: Patricia Bradley, Director

The division provides support and assistance to battered women through the criminal justice system from police report through prosecution, short-term counseling, and referral to community services.

WOMEN HELPING WOMEN
9th & Walnut
Cincinnati, Ohio 45202

H;S

(513) 381-6003 or 381-5610
Contact: Judy Wellington

Women Helping Women provides 24-hour crisis intervention, counseling, short-term shelter for women and children, and referral to community services.

WOMEN TOGETHER
P.O. Box 6331
Cleveland, Ohio 44101

H;S

(216) 281-0600 (business) (216) 961-4422 (shelter)
Contact: Administrative Coordinator

Women Together provides shelter for women and children up to 2 weeks, 24-hour crisis intervention, counseling, advocacy, legal advice, child care, community education, and referral to community services.

YWCA
623 Main St.
Coshocton, Ohio 43812

S

(614) 622-3542
Crisis hotline (614) 622-3457
Contact: Julia Wheeler, Executive Director

YWCA provides emergency shelter for women and children and referral to community services.

YWCA
1018 Jefferson
Toledo, Ohio 43624

S

(419) 241-3235

The YWCA provides temporary shelter for battered women and children up to 5 days, counseling for the battered woman and her family, a speakers' bureau, community education, advocacy training, and referral to the Community Planning Council for other services.

OKLAHOMA

Local

WOMEN'S RESOURCE CENTER
Task Force on Battered Women
P.O. Box 474
Norman, Okla. 73070

C/TF;H;S

(405) 364-9424
Contact: Alane Baird Atkinson, Director

The task force provides temporary shelter, counseling, housing, and legal referral, and advocate-escort services. It also provides a 24-hour hotline.

OREGON

Statewide

OREGON COALITION FOR BATTERED WOMEN
c/o Rose Gangle
Bradley Angle House
P.O. Box 40132
Portland, Oreg. 97240

C/TF

(503) 218-2442

The coalition is a group of women and men working to stop wife abuse. It is involved in community education, publishes a newsletter, and provides speakers and other educational material to various groups.

Local

BRADLEY ANGLE HOUSE
P.O. Box 40132
Portland, Oreg. 97240

L/L;S

(503) 281-2442

The Bradley Angle House provides shelter, counseling, and supportive services for battered women and their children. It is also involved in community education and works on State and Federal legislation. A manual will be available soon to assist women's groups that are opening shelters for battered women.

CONFIDENCE CLINIC
19241 S. Beaver Creek Rd.
Oregon City, Oreg. 97045

H

(503) 656-2091
Contact: Gail Spitce

The clinic currently provides a weekday crisis hotline. Future plans include a shelter for battered women and their children. The clinic is also currently involved in community education.

COOS BAY TASK FORCE ON BATTERED WOMEN
P.O. Box 30
Coos Bay, Oreg. 97420

H;S

(503)269-5811, ext. 272 or
(503) 269-0206 (helpline 9-5 p.m.)
(503) 269-5910 (helpline 5-9 a.m.)

The task force offers shelter in private homes and operates a helpline.

RAPE RELEASE HOTLINE
522 S.W. 5th Ave. 6th Flr.
Portland, Oreg. 97204

H

(503) 235-5333 (hotline) or 224-7125(office)

The hotline offers crisis counseling for rape victims and battered and abused women.

RAPHAEL HOUSE
P.O. Box. 10797
Portland, Oreg. 97210

H;S

(503) 223-4544

Raphael House provides no-fee, 1 week shelter for battered women and their children and operates a crisis phone line.

TASK FORCE ON HOUSEHOLD VIOLENCE
P.O. Box 369
Ashland, Oreg. 97520

C/TF;S

(503) 482-2613 (Monday-Friday) 9-5
(503) 779-HELP (24 Hours)

The task force provides counseling, emergency transportation, shelter, and advocacy service for battered women.

WOMEN'S SPACE
P.O. Box 3030
Eugene, Oreg. 97403

S

(503) 485-6513
Contact: Wanda Walker

Women's Space provides referrals for shelter for battered women in private homes, advocacy with welfare, police, legal aid, and other services. It also assists women in obtaining counseling.

PENNSYLVANIA

Statewide

PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE
c/o Lancaster Women's Shelter
110 N. Lime St.
Lancaster, Penna. 17602

C/TF

(717) 299-1249

The coalition was formed to share information and support among women-run centers and to develop strategies for dealing in all aspects of domestic violence. Its goals are sharing of skills, information, and resources; compiling of data to document the extent of the problem within Pennsylvania; expansion of membership to include all geographic areas; public education; informing women of their legal rights; development of services; and advocacy for change of existing legislation and adoption of new legislation.

Local

FAMILY ABUSE COUNCIL
50 E. Main St.

Uniontown, Penna. 15401

S

(412) 437-3887
Contact: Marilyn J. McDaniel

The council provides shelter (no fee), court and hospital accompaniment, and public information and education.

LANCASTER WOMEN AGAINST ABUSE
110 N. Lime St.
Lancaster, Penna. 17603

S

(717) 299-1249
Contact: Jean Hurd

The Lancaster Women Against Abuse provides shelter ($1.00 per day) for battered women and their children and referral to agencies for other services.

MARITAL ABUSE PROJECT OF DELAWARE COUNTY, INC.
Women's Action Coalition
P.O. Box 294
Wallingford, Penna. 19086

H;Support Group

(215) 565-6272 (office) or 565-4590 (hotline)
Contact: Elaine Sanders or Linda Shaw, Co-directors

The project provides a 24-hour hotline, counseling, information, and emergency assistance; advocacy with police, hospitals, courts, and agencies; and referrals to community services, support groups, and educational services.

WIFE BATTERING RESEARCH PROJECT
c/o Dr. Irene Frieze
Psychology Department
University of Pittsburgh
Rm. 256 Langley Hall
Pittsburgh, Penna. 15260

R

(412) 624-4552
Contact: Dr. Irene Frieze

The project is currently funded by National Institute of Mental Health, HEW, to do research on the phenomenon of wife battering from a social-psychological viewpoint. It hopes to be able to provide some services, such as an emergency helpline, and to use the findings to provide empirical guidelines for counseling techniques and the development of adequate resources for the abused woman.

WOMEN AGAINST ABUSE EMERGENCY SHELTER

P.O. Box 12233
Philadelphia, Penna. 19144

S

(215) 843-2438, 843-2384 (Hotline)
Contact: Peggy Ann McGarry, Director

The shelter provides emergency housing, counseling, advocacy for welfare and permanent housing, child care, court and hospital accompaniment, and information and referrals by phone. Shelter is $1.00 per day, per family, if possible.

WOMEN IN CRISIS

RD 1 Box 314A
Hummelstown, Penna 17036

H;S;W/MS

(717) 534-1101
Contact: Deborah Baldwin, Executive Director

Shelter is available for a maximum of nine families or 30 people, for 30 days. Women in Crisis offers a hotline, 24-hour intake, counseling, referral to community agencies, and community education.

WOMEN'S CENTER

1000 S. Market St.
Bloomsburg, Penna. 17815

H;S;Support Group

(717) 784-6631
Contact: Kathleen Mercer

The center provides a hotline, counseling, shelter, support groups, information and referral, and other services for women.

WOMEN'S CENTER AND SHELTER OF GREATER PITTSBURGH

P.O. Box 11, 5 Fisher Hall
616 N. Highland Ave.
Pittsburgh, Penna. 15206

H;S

(412) 661-6066
Contact: Sue Burdick, Executive Director

The center provides a 24-hour hotline, shelter, counseling, and referral services for the Greater Pittsburgh area. It asks $2.00 per night for each woman and $0.50 per child. All other services are free.

WOMEN'S CENTER OF MONTGOMERY COUNTY
Domestic Violence Project
1030 York Rd.
Abington, Penna. 19001

H;Support Group

(215) 885-5020
Contact: Betty Aptaker

The project provides a telephone hotlines advocacy, support services, and community outreach. The project is a member of the Pennsylvania Coalition Against Domestic Violence.

WOMEN'S RESOURCE CENTER
YWCA, 123 N. Church St.
West Chester, Penna. 19380

H;W/MS

(215) 431-1430
Contact: Jessie Cocks Browning, Director

The center offers a 24-hour phone service, telephone and walk-in counseling, and other supportive services to abused women and their children. The center is working to establish a shelter.

WOMEN'S RESOURCE CENTER, INC.
407 Connell Bldg.
North Washington Ave.
Scranton, Penna. 18503

H;Support Group

(717) 346-4671
Contact: Cabrini Capparelli, Domestic Violence Program Director

The center provides individual and group counseling, legal information, accompaniment through court proceedings and to hospital, 24-hour telephone emergency and referral service, community education, and a speakers' bureau. The center is a member of the Pennsylvania Coalition Aginst Domestic Violence.

615

WOMENSPACE EAST
368 Collins Ave.
Pittsburgh, Penna. 15206

S

Womenspace provides temporary emergency shelter.

WOMEN'S SERVICES OF WESTMORELAND COUNTY
Bank and Trust Bldg.
Greenburg, Penna. 15601

H

(412) 837-9540 Business (412) 836-1122 (Hotline)
Contact: Beverly J. Harris, Director

The alliance provides 24-hour information and referral service, which includes services to battered women. It is preparing to open a shelter for battered women.

RHODE ISLAND

Local

SOJOURNER HOUSE, INC.
P.O. Box 5667, Weybosset Hill Station
Providence, R. I. 02903

H;S

(401) 751-1262
Contact: Cathy Lewis, Coordinator

Sojourner House provides support services, including a hotline that offers information, support, and comprehensive referrals to housing, legal, and counseling resources. Sojourner House also provides a shelter for battered women and their children.

WOMEN'S CENTER OF RHODE ISLAND, INC.
37 Congress Ave.
Providence, R. I. 02907

S

(401) 781-4080
Contact: Acting Executive Director Francis Murphy

The center provides emergency shelter for women and children (sliding fee scale according to ability to pay), legal assistance, counseling, information, referral, and a nursery school (for resident children).

TENNESSEE

Local

CHATTANOOGA TASK FORCE ON SPOUSE ABUSE
5502 Pinelawn Ave.
Chattanooga, Tenn. 37411

C/TF

(615) 894-8209
Contact: Miki Paul, Chairperson

The task force is working to establish a community education program, funding for a shelter, and advocacy with local agencies.

FAMILY CRISIS CENTER
Child & Family Services
2535 1/2 Magnolia Ave.
Knoxville, Tenn. 37914

H;S;W/MS

(615) 637-8000
Contact: Any Counselor

The center provides 24-hour crisis services for persons in need, counseling, and up to 2 weeks' shelter (residents must be in need of both), and other services.

SERVICES FOR WO/MEN IN CRISIS
P.O. Box 3240
Nashville, Tenn. 37219

Support Group

(615) 254-1168
Contact: Carolyn J. Hutchison, Director

Services for Wo/Men in Crisis provides job counseling, job readiness training, job advocacy, and employment placement to persons involved in domestic violence (no fee). Other services include a rap group and community education.

WIFE ABUSE CRISIS SERVICE
499 South Patterson, 3rd Floor
Memphis, Tenn. 38111

H

(901) 324-3861 or 458-1661 (crisis line)
Contact: Edith Sewell, Director

Wife Abuse Crisis Service provides supportive counseling, a telephone crisis line, information, and referrals to other agencies.

TEXAS

Local

CENTER FOR BATTERED WOMEN
P.O. Box 5631
Austin, Tex. 78763

H;S

(512) 474–HURT
Contact: Deborah Tucker Meismer

The center provides temporary safe shelter for women and their children who are residents of Travis County, a 24-hour crisis hotline, counseling, legal counseling and referrals, housing and financial assistance information, child care, and weekly self-help groups.

COALITION FOR ABUSED WOMEN
c/o Houston Area Women's Center
University of Texas
School of Public Health
6905 Bertner Rm. 401
Houston, Tex. 77030

C/TF;H;S

(713) 797–1976 (Mon-Fri. 9–5)
(713) 668–2039 (evenings, weekends)
Contact: Toby Myers or Lou Ann Mock, (713) 526–9640)

The coalition provides workshops for community groups, agency personnel, and other interested persons. The coalition also offers shelter for women and their children, advocacy in utilizing community resoucres, support groups, and counseling.

DOMESTIC VIOLENCE INTERVENTION ALLIANCE OF DALLAS, INC.
12800 Hillcreast Rd.
Suite 200A
Dallas, Tex. 75230

C/TF

(214) 386–5055
Contact: Geraldine Beer, Chairperson

The alliance was established to raise the level of awareness of the community as to the nature and extent of the problem in the Dallas area in order to provide increased and improved assistance to abused women and their children. Future plans include the establishment of a shelter where a variety of services can be provided.

FIRST STEP, INC. OF WICHITA FALLS
P.O. Box 773
Wichita Falls, Tex. 76301

H; Support Group

(817) 723-0821
Contact: Joi Ann Garrett or Mary Jo Gruca, Co-coordinators

First Step provides active and supportive counseling and followup for victims of sexual abuse, battered women, abused children, and to those who have been sexually harassed on the job. Services include 24-hour crisis intervention, speakers' bureau, workshops, information, and referral.

HOUSTON AREA WOMEN'S CENTER
P.O. Box 20186, Rm. E401
Houston, Tex. 77025

C/TF

(713) 792-4403
Contact: Nita Lewis

The center is in the process of establishing a multipurpose center for women that will provide such services as counseling, referrals, information, child care, and educational services. The center also plans to provide shelter services for battered women.

TRANSITIONAL LIVING CENTER, INC.
350 Thunderbird, No. 31
El Paso, Tex. 79912

Contact: Nancy Kohutek

The center is establishing a refuge for battered women and their children. The center also plans to offer a counseling program, educational services, family services, child guidance, and other information services. In addition, the center plans to establish a counseling program for the men who are batterers.

VERMONT

Local

WOMEN'S CRISIS CENTER
67 Main St.
Brattleboro, Vt. 05301

S

(802) 254–6954
Contact: Ann Sheperdson, Program Coordinator

The center provides 24-hour emergency service and shelter to battered women; individual, group, couples, and family counseling; advocacy with other agencies and referral; and community outreach.

VIRGINIA

Local

CEASE (COMMUNITY EFFORT FOR ABUSED SPOUSES)
Mt. Vernon Center for Community Mental Health
8119 Holland Rd.
Alexandria, Va. 22306

S;Support Group

(703) 360–6910
Contact: Edith Herman

and

Fairfax County Department of Social Services
Route 1 Office
6911 Richmond Highway
Alexandria, Va. 22306

(703) 768–5600

CEASE provides emergency assistance including crisis intervention and shelter, information and referral, counseling, and social advocacy and social services for abused persons.

FAIRFAX COUNTY WOMEN'S SHELTER
P.O. Box 1174
Vienna, Va. 22180

S

(703) 827–0090
Contact: Virginia Sanchez-Tovar, Director

The shelter provides emergency housing to those women who are in immediate physical danger from physical abuse from their partners. Services included are counseling, tranportation, child care, and housing, legal, and employment information. Shelter is available on a 24-hour basis. Priority is given to Fairfax County residents. There is no fee for services.

RICHMOND DOMESTIC VIOLENCE PROJECT, INC.
P.O. Box 24716
Richmond, Va. 23260

C/TF

(804) 358-9191 (hotline)
(804) 358—0408 or 748-1227
Contact: Carol Dolber McMurray, President

The purposes of the project are to provide shelter and counseling to battered women and their children until they can provide for themselves, to act as a supportive group for those involved in domestic violence, to refer to appropriate services, and to help the family live together without violence and to stimulate action to help control the problem of domestic violence. The project is working with existing social agencies and holding monthly public meetings to educate themselves and the public on the issue of domestic violence. The project currently provides a weekly self-help group for battered women and information and referral.

WOMEN'S RESOURCE CENTER
203 Phlegar St.
Christiansburg, Va. 24073

H;S;W/MS

(703) 382-6553
Contact: Audrey M. Parker, Counselor

The center provides shelter to battered women, counseling, support, advocacy, and information and referral.

WASHINGTON

Statewide

WASHINGTON STATE SHELTER NETWORK
c/o Battered Women's Service Program
YWCA, 15 N. Naches Ave.
Yakima, Wash. 98901

(509) 248-7796

The network coordinates meetings and provides information to groups that have programs with services for battered women throughout the State of Washington.

Local

BATTERED WOMEN'S SERVICE PROGRAM
YWCA, 15 N. Naches Ave.
Yakima, Wash. 98901

(509) 248–7796

A member of Washington State Shelter Network.

COALITION FOR ALTERNATIVES TO LIVING IN VIOLENCE (ALIVE)
c/o Kitsap County YWCA
611 Highland
Bremerton, Wash. 98310

H;S

(206) 479–1980
Contact: Carrilu Thompson, Program Director

The coalition provides a hotline, counseling, and referral services. The coalition also has an outreach program, rap sessions, and advocacy service. The coalition is establishing a permanent shelter, although it does provide women in emergency situations with "safe homes" until alternative housing is available.

DIAL HELP, INC.
1175 Gribble
Richland, Wash. 99352

(509) 946–4357

Dial Help operates a 24-hour phone service providing crisis intervention and information and referral in Tri-Cities and Benton-Franklin Counties.

DOMESTIC ABUSE GROUP
Group Health Hospital, Annex No. 5
1600 E. John
Seattle, Wash. 98112

(206)326–7050
Contact: Dr. Vickie Boyd

No description available.

EMERGENCY LINE FOR DOMESTIC VIOLENCE
405 Broadway
Tacoma, Wash. 98402

H;S

(206) 383-2593 (24-hour emergency line)

Operates a 37-room shelter for battered women and children.

EVERGREEN LEGAL SERVICES
Abused Women Project
618 2nd Ave. Rm. 220
Seattle, Wash. 98104

LA

(206) 464-5911
Contact: Kay Frank, Coordinator

The project provides legal advocacy for battered women, assists in filing for dissolution and criminal charges, and works with shelters, police, and prosecutors to improve the response of the criminal justice system to battered women.

LEGAL SERVICE CENTER
Project for Abused Women
Alaska Bldg.
618 2nd Ave., Rm. 200
Seattle, Wash. 98104

Legal

A member of the Washington State Shelter Network.

NEW BEGINNING SHELTER FOR BATTERED WOMEN
217 9th Ave. N.
Seattle, Wash. 98109

S

(206) 622-8194

A member of the Washington State Shelter Network.

SOJOURNER TRUTH HOUSE
P.O. Box 521
Centralia, Wash. 98531

A member of the Washington State Shelter Network.

STOP ABUSE, INC.
5205 S. 2nd Ave.
Everett, Wash. 98203

S

(206) 258–3543 or 25–ABUSE (hotline)

Stop Abuse provides emergency temporary shelter, crisis intervention, individual and group counseling, and information and referral services to victims of family violence.

A WOMAN'S PLACE

S

A Woman's Place provides emergency housing and shelter for abused women in Benton-Franklin Counties. The address and phone number are confidential for protection of residents. To contact a staff member for information, phone DIAL HELP (509) 946–4357.

WOMEN'S ASSOCIATION OF SELF-HELP
20 102nd N.E.
Bellevue, Wash. 98005

A member of the Washington State Shelter Network.

WOMEN'S INSTITUTE OF THE NORTHWEST
4747 12th St., N.E.
Seattle, Wash. 98105

Support group

(206) 523-2187

The institute provides group counseling for abused women.

WOMEN'S RESOURCE CENTER–YWCA
118 5th Ave.
Seattle, Wash. 98101

S

(206) 447–4882

The center provides emergency shelter and counseling for women without children.

WOMEN'S RESOURCE CENTER–YWCA
829 Broadway West
Spokane, Wash. 99201

H;S

(509) 327-1508
(509) 838-4428 (crisis line)
Contact: Sue Nopolski

The center provides counseling, emergency housing, 24-hour crisis line (weekends only; 9-5 weekdays), and an advocacy program for battered women.

WOMEN'S SHELTER PROGRAM (YWCA)
220 E. Union Ave.
Olympia, Wash. 98501

Support group

(206) 352-0593

The program offers advocacy service and a shelter for abused women.

WOMEN'S SUPPORT SHELTER
405 Broadway
Tacoma, Wash. 98402

H;S;W/MS

(206) 383-2593
Contact: Staff

The shelter provides advocacy (medical, legal, welfare, employment, education), counseling, rap groups (individual, group, family, children), 24-hour counseling by phone, walk-in service, and shelter for abused women and children up to 6 months (fee, $67-125 per month and can be waived or deferred).

YWCA EMERGENCY HOUSE
1012 W. 12th St.
Vancouver, Wash. 98660

(206) 695-0501

A member of the Washington State Shelter Network.

WEST VIRGINIA

Local

RAPE AND DOMESTIC VIOLENCE INFORMATION CNETER, INC. (RDVIC)
3051 University Ave.

Morgantown, W. Va. 26505

Support group

(304) 599-6800
Contact: Natalie Ames, Project Coordinator

No description available.

TASK FORCE ON DOMESTIC VIOLENCE
31 Hillcrest Drive
Charleston, W. Va. 25304

C/TF

(304) 344-3701
Contact: Mary Downey, Coordinator

The task force provides referral services for battered women and their children and is seeking funds for a shelter.

WISCONSIN

Local

CRISIS INTERVENTION CENTER
Social Service Dept.
Appleton, Wis. 44911

H;S

(414) 731-5428 (information center)
(414) 731-3211 (8:00 a.m. to 4:30 p.m.)

The center operates a 24-hour telephone service, 7 days a week to provide emergency counseling, referrals to legal and social services, and shelter in voluntary private homes.

DANE COUNTY ADVOCATES FOR BATTERED WOMEN (DCABW)
P.O. Box 1145
Madison, Wis. 53701

H;S

(608) 251-4445
Contact: Helen Sklar and Janet Wright, Coordinators

DCABW provides a 24-hour helpline, counseling, advocacy, community education, and outreach. A shelter opened April 30, 1978.

DOMESTIC VIOLENCE PROJECT
Women's Service Center

102 N. Monroe Ave.
Green Bay, Wis. 54301

H;S

(414) 432-4244 (hotline); 432-1944 (business)
Contact: Ann Martin

The project provides emergency shelter, a 24-hour hotline, advocacy service, information and escort service for legal and social service agencies, counseling, and community education. The project is establishing a shelter and, in addition, coordinates service to abusers.

LAKESHORE ASSOCIATION FOR ABUSED WOMEN
P.O. Box 398
1203 N. 16th St.
Manitowoc, Wis. 54220

C/TF;H;S

(414) 684-5770
Contact: Windy Pologe, Coordinator

The association is a coalition of organizations and interested community people providing a hotline, referrals, advocates, emotional support, crisis counseling, and shelter for women and their children (5-day maximum). The association works with local private and public agencies and is involved in community education.

MILWAUKEE TASK FORCE ON BATTERED WOMEN
4900 W. Fondulac Ave.
Milwaukee, Wis. 53216

C/TF;H;S

(414) 444-2333
Contact: Deborah Niese, Coordinator

The task force provides crisis intervention counseling, advocacy, legal assistance, a 24-hour hotline, transportation, and housing.

REFUGEE HOUSE
P.O. Box 482
Eau Claire, Wis. 54701

H;S

Contact: Gretta Marshall, Director

Refugee House provides temporary housing, advocacy, outreach service, consultation service, a 24-hour hotline, and community education.

WOMEN'S COMMUNITY CENTER
414 1/2 S. Farwell
Eau Claire, Wis. 54701

Support group

The center provides counseling, referrals, and meeting space for group discussion and programs.

WOMEN'S HORIZONS, INC.
P.O. Box 103
1630 56th St.
Kenosha, Wis. 53140

H;S

(414) 652-1846
Contact: Mary Stark, Director

Women's Horizons provides crisis counseling, a 24-hour hotline, shelter care, advocacy, legal and employment information, and referrals.

WOMEN'S RESOURCE CENTER
740 College Ave.
Racine, Wis. 53403

H;S

(414) 633-3233
Contact: Marialyce Gottschalk, Director

The center provides a 24-hour helpline, crisis intervention counseling, advocacy, information and referral, a shelter for abused women, and is also involved in community education.

UNITED STATES GOVERNMENT AGENCIES

ACTION
Office of Policy and Planning, Rm. 606
806 Connecticut Ave., N.W.
Washington, D.C. 20525

(202) 254-8420
Contact: Jan Peterson, Special Assistant

ACTION has a variety of resources available to groups working on the issue of battered women. For staff support (VISTAs and Older Americans), interested groups should contact their State ACTION office. Both VISTAs and Older Americans are stipened volunteers and

628

can be locally recruited. A minigrant program allows up to $500–5,000 for various projects. To apply, contact the Office of Voluntary Citizen Participation, Barbara Bolling (202) 254–7262. The Office of Policy and Planning is offering a competitive grant on family violence and will fund one group that will subgrant to 10 different projects (one in each ACTION region).

COMMUNITY SERVICES ADMINISTRATION

Office of Program Development
Office of Community Action
1200 19th St., N.W.
Washington, D.C. 20506

(202) 254–5770
Contact: Mary Ann MacKenzie, Program Development Specialist
(202) 254–5047

The Office of Community Action, Program Development, is funding a demonstration family center project in Milwaukee, Wisconsin, that will have specialized services for victims of battering and child abuse. The Office of Program Development is reviewing several proposals for funding regional training and technical support projects to battered women shelters and service programs, as well as a proposal to investigate the various effective intervention and peer counseling techniques that best enable the battered woman to establish a sense of self-actualization and freedom from dependence situations. Several local community action agencies have been involved in services to shelters for battered women.

LEGAL SERVICES CORPORATION

Office of Public Affairs
733 15th St., N.W., Suite 700
Washington, D.C. 20005

(202) 376–5100
Contact: Virpi Kairinen

Women who need legal help in a civil matter but cannot afford to hire a lawyer may contact the local legal services program in their area to determine their eligibility for free legal assistance. Legal services programs operate in every State, as well as Puerto Rico, the Virgin Islands, and the Trust Territory of the Pacific Islands (Micronesia). The programs receive financial support from the Legal Services Corporation, a private nonprofit organization created and funded by

Congress to provide legal assistance to the poor in civil matters. The Corporation receives an annual appropriation from Congress and distributes those Federal funds through grants and contracts to legal services programs that meet the requirements set forth in the Legal Services Corporation Act of 1974 (Public Law 93-355).

The Corporation currently funds over 300 legal assistance programs serving indigent clients in nearly 900 offices throughout the country. Each program is independently governed by a local board of directors that includes private attorneys and representatives of the client community. The board establishes program policy and priorities and sets forth financial eligibility standards in accordance with the broader framework of the Legal Services Corporation Act of 1974 and regulations promulgated by the Corporation. Within the limitations of the Federal statute, each program has broad authority to determine how it will conduct its operations. Because most programs do not have sufficient resources to meet all the needs of the eligible, the board may establish priorities by considering, among other factors, the availability of other sources of legal assistance in the locality. Thus, the question of whether a particular case would be handled by a local program depends on eligibility guidelines and priorities set by local programs.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Women's Action Program
Office of Special Concerns
Assistant Secretary for Planning and Evaluation
Room 438F, Hubert Humphrey Building
Washington, D.C. 20201

(202) 245-6102
Contact: Joyce Clinton, Program Analyst

Although DHEW has no specific program for battered women, the agency does fund numerous social service programs that could provide assistance to meet the needs of victims of domestic violence. Most of these programs are administered at the local level through the social services department of the local welfare agency. In addition, grants may be available to local organizations for research and demonstration projects related to the needs of battered women. For specific information about a variety of programs, direct inquiries to Ms. Clinton.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Women's Policy and Programs Division

Neighborhoods, Voluntary Association, and Consumer Protection, 3234
451 7th St. S.W.
Washington, D.C. 20410

(202) 755-6524
Contact: Allene Joyce Skinner, Director

HUD's mandate is to meet the Nation's need for decent housing for all Americans and to enhance the capability of local governments to rejuvenate their communities. Aid can take the form of grants, guarantees, loans, mortgage and loan insurance, rental and homownership subsidies, and technical assistance. Acquisition and rehabilitation of emergency or transitional housing and (under certain conditions) services for battered women are eligible under the community development block grant program, which consists of grants to local governments to use for locally determined priorities. Consult your local CD agency (or the mayor or county executive) for information on getting a CDBG grant. To determine types of and criteria for assistance on long-term housing for persons leaving an emergency shelter, consult your local housing authority or HUD Area Office nearest you. Also, the Department engages in action-oriented research, and meritorious unsolicited proposals are considered and often funded.

U.S. DEPARTMENT OF JUSTICE
Law Enforcement Assistance Administration
Office of Criminal Justice Programs
Special Programs Division
633 Indiana Ave., N.W., Rm. 705
Washington, D.C. 20530

(202) 376-3550
Contact: Jeannie B. Niedermeyer, Program Manager, Family Violence Program

The Family Violence Program provides support for three or four comprehensive model programs. The programs will use a community-wide approach involving the active participation of all relevant criminal justice, social service, medical, and mental health agencies coordinated toward a specific community-based program design. One million dollars will be available in fiscal year 1978 for these demonstration projects. Those eligible to receive grants under this program include units of local government or incorporated nonprofit organizations that have a broad base of community support.

WOMEN'S BUREAU
U.S. Department of Labor
200 Constitution Ave., N.W.
Washington, D.C. 20210

(202) 523-9330
Contact: Ruth Hernandez

A resource kit on battered women is available. The kit contains a brief description of local programs that can be developed for battered women; a review of Federal and some State legislation; a list of Federal funding sources; a reprint of "A Guide to Seeking Funds Through CETA," as well as an explanation of how CETA (Comprehensive Employment and Training Act) funds can be tapped for battered women's programs; and a resource directory of shelters, "how-to" manuals, and films.

Part II

NATIONAL NEWSLETTERS WITH A PRIMARY FOCUS ON BATTERED WOMEN

Response
Center for Women Policy Studies
2000 P St., N.W., Suite 508
Washington, D.C. 20036
(202) 872-1770

Response is published bimonthly by the Center for Women Policy Studies and is a project funded by the Law Enforcement Assistance Administration. *Response* contains information dealing with sexual assault and intrafamily violence.

National Communication Network (NCN)
c/o Joan Valenti
565 Portland
St. Paul, Minn. 55102

The National Communication Network *Newsletter* was born out of a need to share information cross-country among those currently working to end physical abuse of women. The *Newsletter* has grown steadily since its first issue (April 1977), and by summer 1978 will have merged with FAAR (Feminist Alliance Against Rape), an East Coast antirape publication. The combined *Newsletter* will deal with the broader issue of all forms of violence against women, from a feminist perspective, with emphasis on uncovering and understanding the underlying sexist nature of our society. News, information, and announcements will be shared, plus indepth articles, as well as specific questions or problems readers may have for discussion. Individuals and groups are encouraged to send in copy. Subscriptions are $6.00 a year, checks payable to NCN, c/o Joan Valenti, 565 Portland, St. Paul, Minn. 55102.

PART III

BIBLIOGRAPHIES

Please note that many articles and books listed in these bibliographies contain appendices that constitute additional bibliographic sources.

Battered Women Resource Center
Community Planning Organization
333 Sibley St., Rm. 503
St. Paul, Minn. 55101

An annotated bibliography is available for $0.75.

Center for Advanced Studies in Human Services
Editorial Office
School of Social Welfare
University of Wisconsin–Milwaukee
Milwaukee, Wis. 53201

An "Annotated Bibliography on Woman Battering," compiled by Claudette McShane. First copy free; each additional copy thereafter $0.25.

Center for Women Policy Studies
2000 P. St., N.W., Suite 508
Washington, D.C. 20036
(202) 872–1700

The following two bibliographies are available from the center: "A Comprehensive Bibliography: Domestic Violence and Crisis Intervention," and "Spouse Abuse: An Annotated Bibliography" by Catherine Abramson.

Current Bibliography Series
P.O. Box 2709
San Diego, Calif. 92112

"Wife Beating: A Selected Annotated Bibliography" by Pamela Howard is available for $3.00

Family Violence Research Program
Department of Sociology
University of New Hampshire
Durham, N.H. 03824

631

List of publications and articles by Richard J. Gelles, Suzanne K. Steinmetz, and Murray A. Straus on family violence.

National Center on Child Abuse and Neglect
HEW Administration for Children, Youth and Families
P.O. Box 1182
Washington, D.C. 20013

An annotated bibliography is available free of charge.

National Institute of Mental Health, HEW
5600 Fishers Lane
Rockville, Md. 20852

"An Annotated Bibliography: Violence at Home" by Mary Lystad, Ph.D.

Task Force on Battered Women
2211 E. Kenwood Blvd.
Milwaukee, Wis. 43211

Bibliography includes material on violence, family relations, marital problems, wife assault, and battered women.

Women's Legal Defense Fund, Inc.
1010 Vermont Ave., N.W., Rm. 210
Washington, D.C. 20005
(202) 638-1123

The Task Force on Abused Women of the Women's Legal Defense Fund has a "Selected Bibliography on Domestic Violence Against Women" available for $1.00.

Appendix B

State Statutes

The following overview of State legislation is reprinted from *Response,* a publication of the Center for Women Policy Studies, vol. 1, no. 8, April 1978. (Text of the relevant New York and Pennsylvania laws may be found above in appendix B of "Wife Beating: Government Intervention Policies and Practices," by Marjory D. Fields.)

STATE LEGISLATION ON DOMESTIC VIOLENCE

The following is a chart of the major provisions of state legislation generated by the concern about battered women that has grown over the past several years. The statutory material was collected with the help of the contacts for each state, listed in the last issue of RESPONSE. These laws and pending legislation were assembled in January, 1978, and no systematic attempt has been made to update the information. Recent changes in the information that have come to our attention, however, are reflected on the chart. We have also included older, comprehensive laws of the District of Columbia, Hawaii, and New York that deal with domestic violence. Similar statutes of other states may have been omitted because the criminal and civil codes of each state were not researched. The chart was composed for CWPS by Barbara Harvis, a third-year law student at Georgetown University Law Center.

STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	SPECIAL CRIMINAL STATUTES	CONCURRENT RESOLUTIONS
ALABAMA						
ALASKA		*Laws of Alaska, Ch 72 (1977)* • Shelter in Anchorage for one year • Appropriation $216,000				
ARIZONA						
ARKANSAS						
CALIFORNIA	*Laws of Calif. Ch. 720 (1977)* • Includes cohabitants • TRO for maximum of 30 days • *Ex parte†* relief great or irreparable injury • Relief is independent of Marriage Dissolution Proceeding • Copy of order to LEA if requested by π • Violation Misdemeanor	*Laws of Calif., Ch 892 (1977)* • Statewide network of 4-6 pilot centers • Appropriations $280,000 • Data collection • Confidentiality of information	*Laws of Calif., Ch 908 (1977)* • Separates reporting of spouse abuse and child abuse		*Laws of Calif., Ch 912 (1977)* • Makes spouse abuse a felony • Includes cohabitants • Penalty Imprisonment for not greater than 1 year	
COLORADO	*HB 1633 (Pending)* "Domestic Violence Abuse and Protection Act" • See Penn. law* • Includes additional police enforcement and reporting provisions (temporary custody not to exceed 24 hours for violation of order and likelihood of assault)		*HB 1633 (Pending)* • Recordkeeping requirements by police • Annual statistical compilation by general assembly			

CONNECTICUT	*Pub Act No 77-336 (1977)* • PO Hearing within 14 days of application Relief includes RO and VO • Maximum duration 90 days unless action for marriage dissolution commenced • Copy of order to applicant upon request • Non-exclusive remedy†† • *Ex parte*† relief ''immediate and present physical danger	*Special Act No 77-87 (1977)* • Pilot program for shelter services • Appropriation: $75,000				
DELAWARE						
DISTRICT OF COLUMBIA	*DC Code, Title 16, Ch 10 (1977)* • Includes cohabitants • PO Relief includes RO, mandatory counseling • Maximum duration 1 year • *Ex parte*† relief ''safety or welfare is immediately endangered'' • Penalty Contempt • No husband-wife privilege in proceedings					
FLORIDA		*HB 74 (Pending)* • Establishment and funding of diagnostic intervention centers • Educational and informational programs • Spouses only • Confidentiality of information • Mandatory police referral			*Subsection 901 15(6) (Chap 77-67), Fla Statutes (1977)* • Provides for warrantless arrest when abuse not in officer's presence	
GEORGIA						
HAWAII					*Sec 709-906, Haw I Penal Code (1973)* • Makes spouse abuse a misdemeanor • Warrantless arrest if abuse in officer's presence • 3 hour cooling off period if abuse not in officer's presence • Violation Arrest • Record expungement provision *HB 742 (Pending)* • Provides for warrantless arrest when abuse not in officer's presence	

Abbreviations in chart

PO = PROTECTION ORDER
RO = RESTRAINING ORDER
VO = VACATE ORDER
TRO = TEMPORARY RESTRAINING ORDER
LEA = LAW ENFORCEMENT AGENCY
Δ = DEFENDANT
π = PLAINTIFF
TOP = TEMPORARY ORDER OF PROTECTION

Footnotes

† Relief is without notice to the defendant

* Provisions are substantially the same as those listed on the chart under the Pennsylvania "Protection form Abuse Act of 1976 Additional provision not found in the Pennsylvania law are listed

†† Relief is "in addition to" any other available civil or criminal remedies

STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	SPECIAL CRIMINAL STATUTES	CONCURRENT RESOLUTIONS
IDAHO						
ILLINOIS	*Ch 69 Sect 25. Laws of IL (1977)* • Spouses only • Injuctions include RO. VO for maximum of 30 days. temporary custody. counseling • *Ex parte*† relief: "immediate and present danger of abuse"					
INDIANA						
IOWA	*HF 2267 (Pending)* "Protection from Domestic Abuse Act" • Includes cohabitants • PO or consent agreement: hearing within 10 days • Relief includes RO. VO. possession of residence or alternate housing for π. temporary custody or visitation • Δ has right to counsel • Defines PO violation ("mere presence on premises" = violation of eviction or alternate housing order) • Max. duration of PO: 1 year • *Ex parte*† relief: "present danger of domestic abuse" • Emergency night and weekend relief • Non-exclusive remedy†† • Violation: Contempt (Jail sentence may be on weekends)	*HF 2147 (Pending)* • Includes cohabitants • Authorizes counties to provide emergency shelter and support services *S 2057 (Pending)* • Funding for four pilot shelter and support programs • Educational programs • Uniform method of data collection and evaluation • Appropriation: $500.000	*S 2057 (Pending)* • Mandatory data collection by hospitals. doctors. nurses. and police *HF 2267 (Pending)* • Mandatory collection of data by state and local LEAs • Information relayed to central registry for child abuse • Limits access to registry information • Confidentiality of records			
KANSAS	*SB 579 (Pending)* *"Protection from Abuse Act"* • See Penn. law* • Support payments. costs and attorneys fees • Provision for possession of personal property					
KENTUCKY	*HB 499 (Failed 1978)* "Domestic Abuse Act" • See Penn. law* • Definition of abuse includes threat to commit crime likely to result in substantial property damage • Mandatory arrest if probable cause to believe assault or violation of PO • Police transportation to hospital or doctor • Police must inform victim of right to seek criminal or civil action • Husband-wife privilege shall not be used as exclusion grounds when evidence of abuse *KRS 403 270 (Amended 1978)* "Child Custody Act" • Abandonment of house where abuse is threatened not relevant in custody cases	*HB 750 (Failed 1978)* "Prevention and Treatment of Domestic Violence Act" • Establishes Governor's Commission on Domestic Violence • Authorizes six shelter facilities • Education program • Standard system for collecting and analyzing data • Appropriation: $1.000.000	*HB 750 (Failed 1978)* • Mandatory data collection by social service agencies and LEAs • Annual reports to Governor			

LOUISIANA						*SCR 21 (1977):* • Requests La. Department of Health and Human Resources to study problem
MAINE		*LD 2074 (Failed)* • Establishment of emergency shelters • Appropriation: $200,000				
MARYLAND		*Md Ann Code, art 88a, 101-105 (Supp. 1977)* • Spouses only • Establishment of model shelter home	*HJR 32 (Failed)* • Recordkeeping by state police of incidents and resolutions			*HJR 32 (Failed):* • Recordkeeping by state police of incidents and resolutions
MASSACHUSETTS		*Chap 647 (1977)* • Establishes temporary supportive residences *H 1821 (Pending)* • Victims of domestic violence included in assistance programs to persons deprived of living quarters				
MICHIGAN	*HB 6127 (Pending)* Protection from Abuse Act • See Penn. law' • More expansive relief (support orders, possession of residence) • Penalty for contempt: imprisonment for not greater than 6 months, fine not greater than $1,000, or both • Δ does not have right to jury trial *HB 5350 (Pending)* • Violation of preliminary injunctive order – felony *HB 5351 (Pending)* • Proof of service of preliminary injunctive order must be filed with LEA *HB 5352* • Mandatory iling with LEA of RO in divorce actions by clerk	*HB 5355 (Pending)* • Establishment of temporary supportive residences • Includes cohabitants • Data collection • Appropriation: $500,000 *HB 5306 (Pending)* • Establishment of pilot assistance center • Includes cohabitants • Data collection • Appropriation: $500,000 *HB 5281 (Pending)* • Establishment of shelter	*HB 5353 (Pending)* • Uniform crime reporting system by local and state police	*HB 5354 (Pending)* • Police training in investigation of domestic assault cases	*HB 5349 (Pending)* • Includes cohabitants • Warrantless arrest when abuse not in police officer's presence • Mandatory arrest if probable cause to believe violation of preliminary injunctive order or peace bond *HB 5356 (Pending)* • Special probation provision for spouse with no previous convictions, may require mandatory counseling	*HCR 108 (1977):* • Creates special committee to study the problem

STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	SPECIAL CRIMINAL STATUTES	CONCURRENT RESOLUTIONS
MINNESOTA		*Chap 428 (S.F. 124) (1977)* • Establishment of four pilot shelter programs • Includes cohabitants • Educational program • Data collection and evaluation • Assistance to displaced homemakers • Appropriation: $500,000 plus $100,000 for displaced homemakers	*Chap 428 (S.F. 124) (1977)* • Mandatory reporting of data by hospitals, doctors, nurses, and LEAs			
MISSISSIPPI						
MISSOURI	*HB 1023 (Pending)* • See Penn. law* • Right to relief not affected by self defense or by leaving residence to avoid abuse • No execution of bond by petitioner • Attorney fees paid by Δ if Δ loses • Relief is independent of marriage dissolution proceedings • Emergency night relief • Temporary custody (20 hrs) for abuse and violation of court order		*HB 1023 (Pending)* • LEA recordkeeping requirements • Confidentiality of records • Immunity to recordkeepers	*HB 1023 (Pending)* • Establishment of domestic crisis teams		
MONTANA						*HJR 103 (Failed)* • Requests study of battered spouse needs
NEBRASKA	*LB 623 (1978)* "Protection from Domestic Abuse Act" • Includes cohabitants • Relief includes TRO and TVO • *Ex parte*† relief: "irreparable harm, loss, or damage" • Applicant gets two free copies of order	*LB 623 and LB 623a (1978)* • Establishes comprehensive support services to victims, families, and abusers • Compilation of statistical data • Confidentiality of information • Appropriation: $176,000 for three pilot shelters		*LB 623 (1978)* • Education and training program for LEA	*LB 623 (1978)* • Mandatory counseling as condition of probation for abuser	
NEVADA						
NEW HAMPSHIRE						

NEW JERSEY	*S 3156 (Pending)* "Battered Persons Act" • See Penn law*	*A3188 (Pending)* • Establishes shelters and comprehensive services • Includes cohabitants		*A 3170 (Pending)* • Special police training	*A 3171 (Pending)* • Person accused of assault, assault and battery or atrocious assault and battery may be kept away from marital residence for up to 72 hours	
NEW MEXICO						
NEW YORK	*Family Court Act, Art. 8, NY Jud. Law (McKinney) amended by Chap. 449 (S 6617-A8842) (1977):* • Spouses only • Initial concurrent jurisdiction in family court and criminal court, but exclusive remedy • PO (restraining, vacate, visitation, custody) Maximum duration: 1 year • *Ex parte*† relief • Notice of PO to LEA • Violation: Maximum of 6 months jail • Conciliation procedures (pre-filing of petition): Probation services, written agreements (court may enter PO in accordance with agreement)	*Chap 450 (S6618-A8843), Laws of NY (1977)* • Permits Board of Social Welfare to approve establishment and operation of shelter homes	*Chap 449 (S 6617-A8842) laws of NY (1977)* • Compilation of data by judiciary		*Chap 449 (S6617-A8842) laws of NY (1977)* • Gives criminal courts power to issue TOP as condition of pre-trial release, and, upon conviction, to enter PO • Copy of order to police	
NORTH CAROLINA						
NORTH DAKOTA						
OHIO	*HB 835 (Pending)* • See Penn. law*	*HB 1080 (Pending)* • Loan and grant program for purchase or renovation of buildings to be used as shelter; max. loan for 1 building: $75,000 *HB 987 (Pending)* • Establishes program of family protective services • Include cohabitants • Recordkeeping provision • Appropriation $5,000,000			*HB 957 (Pending)* • Makes second or subsequent criminal assault against spouse a felony of 4th degree • Includes cohabitants • PO during pendency of action, 24 hour/day court, copy of order to LEA • Probation provision (suspended sentence) if participation in psychological treatment programs	
OKLAHOMA	*HB 1620 (Pending)* "Protection of Household Members from Abuse Act" • See Penn. law*					

STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	SPECIAL CRIMINAL STATUTES	CONCURRENT RESOLUTIONS
OREGON	*Chap 845 (HB 2436), Oregon laws (1977)* "Abuse Prevention Act" • Includes cohabitants • Relief includes TRO, injunction or consent agreement, temporary custody or visitation • Maximum duration: 1 year • No undertaking required • Relief not affected by leaving household to avoid abuse • Non-exclusive remedy†† • Petitioner must deliver copy of order to LEA • Mandatory arrest for violation of restraining order. May be released on bail pending contempt hearing • Limits criminal and civil liability of arresting officer	*Chap 846 (SB 769), Oregon Laws (1977)* • Grants for programs (including shelters) designed to prevent, identify and treat domestic violence			*Chap 845, Ore. Laws (1977)* • Provides for mandatory arrest (unless victim objects) if police officer has probable cause to believe assault or fear of assault on spouse • Includes cohabitants • Limits criminal and civil liability for arresting officer	
PENNSYLVANIA	*Act 218, Laws of PA (1976)* "Protection from Abuse Act" • Includes cohabitants • Right to relief not affected by leaving household to avoid abuse • PO or consent agreements. Hearing within 10 days of filing petition; proof by preponderance of evidence. Δ has right to counsel. Relief include: RO, VO, possession of residence, temporary custody and visitation, alternate housing. Maximum duration: 1 year • *Ex parte*† relief: "immediate and present danger of abuse" • Emergency weekend relief • Copy of order to Δ, π, and LEA • Non-exclusive remedy†† • Violation: contempt ⟶	*SB 984 (Pending)* Amends Act 218 • Clarifies when π may gain possession of household • Provides that relief may include support order • Emergency relief by Philadelphia municipal court judge • Violation: indirect criminal contempt, maximum penalty 6 months in prison, $1,000 fine, or both; no right to jury trial • Warrantless arrest for violation of order if probable cause (whether or not in presence of arresting officer)				
RHODE ISLAND					*77-S-1009, Chap 258, RI Public Law (1977)* • Makes domestic assault a misdemeanor • Includes cohabitants • Arrest must be made within 24 hours after commission of crime • No recognizance requirement	

SOUTH CAROLINA		*S 795 (Pending)* • Includes cohabitants • Establishes pilot programs for shelter and support services • Community education program • Data collection and program evaluation				
SOUTH DAKOTA	*SB 335 (failed)* • Provides for RO and VO • *Ex parte*† relief					
TENNESSEE					*Tenn. Code Ann Sect. 39-602 (1978)* • Makes domestic assault a misdemeanor	
TEXAS						
UTAH						
VERMONT						
VIRGINIA	*Code of VA 16.1-279 (amended) 1978* • Court order for counseling or treatment for either spouse • Δ may have to pay for shelter care	*HB 683 (Pending)* • Two-year pilot shelter program • Department of Welfare pays one-half cost for shelter				
WASHINGTON						
WEST VIRGINIA	*HB 1082 (Pending)* • Includes cohabitants • Right to relief not affected by leaving household to avoid abuse • PO or consent agreements: include RO, possession of residence or VO, custody to party with possession • Maximum duration: 10 days (renewable for 10 days) • *Ex parte*† relief: only after notice to Δ, hearing within 72 hours, "immediate and present danger of abuse" • Non-exclusive remedy†† • Violation: contempt • No husband/wife privilege under the act					
WISCONSIN						*AJR 36 (Pending):* • Directs legislative council to study the problem of abuse of spouses
WYOMING						

Appendix C

Federal Documents Requested and Responses to Questions

THE GENERAL COUNSEL OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410

February 24, 1978

Dr. Arthur S. Fleming, Chairman
U. S. Commission on Civil Rights
1121 Vermont Avenue, N. W.
Washington, D. C. 20425

Re: Statutory and Regulatory Definitions of Family under the Various Low-Rent, Section 8, Rent Subsidy and Subsidized Housing Programs

Dear Mr. Chairman:

In response to Commissioner Freeman's request that the HUD representative at your Consultation entitled "Battered Women: Issues of Public Policy" provide the statutory and regulatory definitions of family and occupancy by single persons pursuant to the various low-rent and subsidized housing programs, we have reviewed and analyzed the U.S. Housing Act of 1937, as amended, the Housing Act of 1965, as amended, and the National Housing Act, as amended.

Low-Rent and Section 8 Housing

Pursuant to the U.S. Housing Act of 1937, as amended, 42 U.S.C. 1437, et seq., Section 3(2) defines families as follows:

> "(2) The term 'families' includes families consisting of a single person in the case of (A) a person who is at least sixty-two years of age or is under a disability as defined in Section 223 of the Social Security Act or in Section 102(a)(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970, or is handicapped, (B) a displaced person, (C) the remaining member of a tenant family and (D) other single persons in circumstances described in regulations of the Secretary: Provided, That in no event shall more than 10 percent of the units under the jurisdiction of any public housing agency be occupied by single persons under this clause (D): Provided further, That in determining priority for admission to housing under this Act the Secretary shall give preference to those single persons who are elderly, handicapped, or displaced before those eligible under this clause (D); and the term 'elderly families' means families whose heads (or their spouses), or whose sole members, are persons described in clause (A)."

In accordance with the statutory definitions and requirements the Secretary promulgated regulations setting forth the definition of family and occupancy by single persons, 24 CFR Part 812, 42 F.R. 23582, May 9, 1977, (copy attached) as amended at 42 F.R. 63744, December 19, 1977 (copy attached). [1]

Subsection 812.2(f) defines single person as

> ". . . a person living alone or intending to live alone and who does not qualify as an Elderly Family or a Displaced Person . . ., or as the remaining member of a tenant family."

Subsection 812.3 authorization to admit single persons provides that the HUD Field Director may authorize the admission of single persons to a project, if one of the following circumstances exists:

1. If a project is being or is intended to be converted to a low or lower-income project and a single person is residing in the project at the time of the conversion (See 812.3(b)(1)(i)(A)), or

2. If it has been determined that the project is not suitable for occupancy by the elderly, disabled or handicapped (812.3(b)(i)(B)), or

3. A project which is receiving assistance is experiencing sustained vacancies for a period of 60 days or more and only single applicants are available (812.3(b)(1)(ii)).

In addition to these three situations a Public Housing Agency (PHA) that administers a Section 8 existing program may issue a certificate to a single person if (1) no more than 10 percent of the existing housing programs approved leases are for single persons, and (2) the PHA determines that the rehabilitation of an existing unit will result in increased rents requiring the single person to either pay more than 25 percent of income for rent or move out of the unit.

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[1] We note that Subsection 812.2(d)(1) of the May 9, 1977 regulations which defined family to mean "two or more persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or have evidenced a stable family relationship," was specifically deleted in accordance with the Appropriations Act for Fiscal Year 1978 (FY 1978) since Congress specifically prohibited the application of these provisions to contracting and budget authority appropriated for FY 1978, thus resulting in the amending regulation of December 19, 1977.

In accordance with the statute Subsection 812.3(f) provides that the HUD Director may only authorize 10 percent of the units within the jurisdiction of the PHA (minus the number of existing Section 8 units) for occupancy by single persons.

Thus, it seems clear that single persons are generally not eligible for low-rent or Section 8 housing, unless circumstances related to a particular project or dwelling unit exist. Therefore, a woman alone, who is living in a temporary shelter after having been a victim of domestic violence, would probably not qualify as eligible for occupancy in these housing programs.

Rent Supplements

Section 101(c) of the Housing and Urban Development Act of 1965, 12 U.S.C. 1701s, defines "qualified tenant" to include:

> "Any individual or family who has, pursuant to criteria and procedures established by the Secretary, been determined --
>
> * * * *
>
> (2) to be one of the following
>
> (A) displaced by governmental action;
> (B) sixty-two years of age or older . . .;
> (C) physically handicapped (or in the case of a family to have a head who is, or whose spouse is, physically handicapped);
> (D) occupying substandard housing;
> (E) an occupant or former occupant of a dwelling which is (or was) situated in an area determined by the Small Business Administration, subsequent to April 1, 1965, to have been affected by a disaster, and which has been extensively damaged . . .;
> (F) a family whose head, or spouse is a member of the Armed Forces of the United States who is serving on active duty."

The Department promulgated regulations set forth at 24 CFR 215.20 which, consistent with the statute, reiterate the list of qualified tenants.

A victim of domestic violence, who is forced to occupy substandard housing[2/] may be eligible under this program, assuming she meets the income requirements.

Section 221(d)(3) Housing

Pursuant to Section 221(d)(3) of the National Housing Act, as amended, 12 U.S.C. 17151(d)(3), Subsection f provides:

> "Any person who is sixty-two years of age or over, or who is a handicapped person . . ., or who is a displaced person, shall be deemed to be a family within the meaning of the terms 'family' or 'families' as those terms are used . . . . Low- and moderate-income persons who are less than 62 years of age shall be eligible for occupancy of dwelling units in a project financed with a mortgage insured under subsection (d)(3)." (Emphasis added.)

The Department regulations set forth at 24 CFR 221.537(c) provide that:

> "In all cases, preference or priority of opportunity to rent dwelling units shall be given to families or single persons who have been displaced . . . ."

But for the priority for displacees, women of low and moderate income who are alone, and who have been victims of domestic violence would be eligible for Section 221(d)(3) housing.

[2/] 24 CFR 215.1(h) defines substandard housing as either dilapidated housing (as defined in subsection (d)) or does not have one of the following plumbing facilities: "(1) Hot and cold piped water inside the unit. (2) Usable flush toilet inside the structure for the exclusive use of the occupants of the unit. (3) Usable bathtub or shower inside the structure for the exclusive use of the occupants of the unit."

(d) Dilapidated housing means: "a housing unit that does not provide safe and adequate shelter, and . . . endangers the health, safety or well-being of the occupants. Such a . . . unit shall have one or more critical defects, or a combination of intermediate defects in sufficient number or extent to require considerable repair or rebuilding."

Section 236 Housing

Section 236 of the National Housing Act, as amended, 12 U.S.C. 1715 z-1, provides in subsection (j)(2) that:

> "(A) the terms 'family' and 'families' shall have the same meaning as in section 221."

Subsection (j)(5) provides that:

> "[t]he property or project shall --
>
> * * * * *
>
> (C) be designed primarily for use as a rental project to be occupied by lower income families or by elderly or handicapped families: Provided, that lower income *persons who are less than sixty-two years of age shall be eligible for occupancy* in such a project." (Emphasis added.)

By regulation set forth at 24 CFR 236.70(a), occupancy requirements provide: "Initial occupancy . . . by tenants who are unable to pay the fair market rental shall be restricted to individuals and families determined by the mortgagor as meeting the income requirements established by the Commissioner."

Subsection (c)(2) sets forth a preference for displacees. Therefore, women who are all alone and who meet the income requirements are eligible for Section 236 housing subject to the priority for displacees.

In sum, it is unlikely that women who have left their homes as a result of domestic violence, and who are in need of long term housing for themselves could qualify for low-rent or Section 8 housing, unless there were sustained vacancies in projects, only single persons were available for occupancy and the 10 percent limitation discussed previously had not been exceeded. However, these women may be eligible for Rent Supplements if they are residing in substandard housing. Further, they would be eligible for occupancy in Sections 221(d)(3) and 236 projects.

If we can be of any further assistance, please do not hesitate to contact Ms. Betty Kaufman at 755-7985.

Sincerely,

Ruth T. Prokop

Ruth T. Prokop

Attachments

federal register

MONDAY, MAY 9, 1977

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Eligible Family

Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-466]

PART 812—DEFINITION OF FAMILY AND OTHER RELATED TERMS; OCCUPANCY BY SINGLE PERSONS

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule broadens the classes of persons eligible to occupy low-rent and Section 8 housing under the amended United States Housing Act of 1937. It gives effect to the 1976 Amendments and is intended to increase the scope and the effectiveness of the low-rent housing program. Additionally, this rule establishes a uniform definition of family and other related terms for all housing assisted under the United States Housing Act of 1937.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Priscilla Banks, Housing Programs Specialist, or Edward Whipple, Chief; Rental and Occupancy Branch, 202-755-6596, U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: This rule implements the amendments to the United States Housing Act of 1937 in the Housing Authorization Act of 1976 which expand eligibility for public housing and Section 8 to include, under certain circumstances, presently ineligible single persons. As required by the Act, the rule provides that not more than 10 percent of the units within the jurisdiction of any public housing agency may be occupied by singles made eligible by this provision and that, in determining priority for admission, preference must be given to those single persons who are elderly, handicapped or displaced before admitting those single persons made eligible by this provision, except in those cases where the Field Office Director has determined that a project or a portion of a project is not suitable for occupancy by elderly, handicapped or disabled persons. In addition, this rule defines family and other related terms for all housing assisted under the United States Housing Act of 1937.

The Department gave notice on December 16, 1976, at 41 FR 55060 and 55061 that it was proposing to amend Title 24 of the Code of Federal Regulations by adding to Chapter VIII a new Part 812, Definition of Family and Other Related Terms and Occupancy by Single Persons. The comment period closed January 19, 1977. The Department is now publishing Part 812 as a final rule. Since this rule affects the status of many otherwise eligible Single Persons living in projects being converted to assisted housing, the Department has determined that it is in the public interest to make this rule effective upon the date of publication.

The Department received more than 46 comments in response to the proposed regulations. All comments were carefully considered, and changes have been made to the proposed regulations, as described below, based on these comments. A discussion of the principal changes and of the more recurrent and significant comments follows:

1. In response to several comments, § 812.1, Purpose and Scope, has been revised to include a reference to the statutory 10 percent limitation pursuant to section 3(2)(D) of the Act as implemented in § 812.3(f) of these regulations.

2. Several comments suggested that the phrase "stable family relationship" in § 812.2(d) be defined. The Department has determined not to change this provision. Each PHA and owner responsible for selecting Families will determine whether persons not otherwise qualifying as a "Family" have demonstrated a "stable family relationship" sufficient to establish their eligibility.

3. It was suggested that the definition of "handicapped" in § 812.2(e) be revised so that it "conveys a need for suitable housing for the handicapped but does not stress dependence." This suggestion has not been accepted because the regulation as proposed uses the definition in section 3 of the U.S. Housing Act of 1937. A similar comment concerning the disabled has not been accepted for the same reason.

4. Comments suggested that the definition of "Single Person," as published for comment requiring that the applicant be "a person living alone," be amended to permit persons to be eligible even if they were living with others at the time of their application for assistance. Accordingly, the definition of Single Person has been clarified to define a Single Person as "a person living alone or intending to live alone * * *." (See § 812.2(f).)

5. While many comments were in favor of making Single Persons eligible, several comments expressed the opinion that there should be a minimum age requirement or that eligibility should not be extended to Single Persons at all. The Department has determined that implementation of this amendment to the Act is not discretionary and that there is no authority to make it applicable only to single persons who have attained a certain minimum age.

6. Numerous comments objected to the restrictions set forth in Section 812.3 concerning the types of projects eligible for authorization by HUD to permit Single Persons to occupy housing assisted under the Act. The Department has carefully reconsidered the expressions of Congressional intent set forth in the Conference Report (H.R. Rep. No. 94-1304, 94th Cong., 2d Sess. 1976). With respect to this subject, the report states on page 20:

> The Senate bill contained a provision, not in the House amendment, which makes single non-elderly persons eligible for occupancy of public housing and section 8 units in up to 10 percent of a public housing agency's units, provided that single persons who are elderly, handicapped or displaced get preference for admission. The conference report contains the Senate provisions. The conferees expect the Secretary of HUD to limit the applicability of this provision to situations involving the rehabilitation of an existing structure, the conversion of an existing project to a public housing or section 8 project, the filling of vacant efficiencies which are not appropriate for occupancy by elderly or handicapped, and any other similar situation where it would be appropriate for single persons to receive assistance.

(a) Several comments objected to the prohibition against authorizing leasing of units by Single Persons under the Section 8 Existing Housing Program, Part 882. In drafting the proposed regulations, the Department determined that Single Persons should not be eligible for the Section 8 Existing Housing Program because we interpreted the direction of the conference report to Limit Single Person eligibility to situations of conversions to housing assisted under the Act and to cases of vacancies of units not suitable for the elderly or handicapped. Under the Existing Housing Program, there are no physical projects to be converted or to have vacancies, and units are not considered part of the project until a participant selects a unit and executes a lease.

In reconsidering the conference report, however, the Department has determined that where there is "rehabilitation of an existing structure" (which is not converted to a public housing or section 8 project) and where, because of the higher rents, an otherwise eligible Single Person would have to either pay more than 25 percent of income towards rent or move out, such a Single Person may qualify to receive a Certificate of Family Participation from a PHA and could either remain in the dwelling or seek another suitable dwelling on the private market. No prior approval from the Department is required; however, the PHA is subject to the 10 percent limitation. (See § 812.3(b)(2)).

The Department has determined that, given the limitations stated in the Conference Report, it cannot make the Existing Housing Program generally available to Single Persons.

(b) Other comments suggested that permitting occupancy only after "one or more units have been vacant for a period of 60 days or more," and then only after receiving authorization from HUD, was unduly restrictive. This requirement has been retained because of the provision in the conference report giving "the filling of vacant efficiencies which are not appropriate for occupancy by elderly or handicapped" as an example of the types of situations to which this amendment should be limited. Requiring a 60-day vacancy period before authorizing Single Persons to move into units will help assure compliance with the priority required for the elderly and the displaced.

(c) While the preamble to the proposed regulations stated that the "proposed part extends eligibility for occupancy to Single Persons if they are residing in a project at the time of its conversion to a low-income or lower-income project," the proposed regulation did not include this specific limitation. It has been suggested that Single Persons be permitted to qualify for occupancy in projects which are converted prior to initial occupancy rather than to require a 60-day vacancy period to elapse. The Department has determined to accept this suggestion to permit field offices to authorise eligibility of Single Persons in such projects if it determines all or a portion of the units are not suitable for the elderly and handicapped because of design or location. (See § 812.3(b)(1)(i)).

(d) One comment suggested a wide variety of additional justifications upon which the field office could rely in authorizing Single Person eligibility, including achieving a wider economic mix in the project, a racially mixed project, and revitalization of an older, declining neighborhood. The Department has determined that it is constrained by the limitation in the Conference Report from broadening the situations where Single Persons may be eligible as suggested in this comment.

7. Several comments suggested that requiring the Field Office Director to approve an application requesting authorization for a PHA or private owner to permit Single Persons to occupy a project is too restrictive and administratively complex. (See § 812.3(c)). The Department has determined that the alternative, a 10 percent limitation for each project, would be unnecessarily restrictive. If the 10 percent limitation were applied on a project by project basis, there would be no flexibility to authorise more than 10 percent of the units in a single project to qualify for occupancy by Single Persons. Such approval, however, is not required by PHAs administering an Existing Housing Program to issue Certificates of Family Participation to Single Persons eligible under the new § 812.3(b)(2).

8. Several comments reflected misunderstanding about the effect of the preference required to be given to Elderly Families and Displaced Persons over Single Persons in § 812.3(e). These comments interpreted this Section to exclude disabled and handicapped persons from the preference. However, the definition of Elderly Families includes disabled and handicapped persons. In response to these comments, this section has been clarified to require that the preference be extended to "Elderly Families (including Disabled Persons and Handicapped Persons)."

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

Accordingly, a new Part 812 is added to Title 24 of the CFR, as follows:

Sec.
812.1 Purpose and scope.
812.2 Definitions.
812.3 Authorization to admit single persons.
812.4 Effect of authorization on contract provisions.

AUTHORITY: Sec. 3(f) of Housing Authorization Act of 1976 (42 U.S.C. 1437a); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

§ 812.1 Purpose and scope.

The purpose of this part is to establish a definition of the term Family and other related terms applicable to all housing assisted under the United States Housing Act of 1937 (the Act). In addition, this part prescribes criteria and procedures for occupancy in low-income and lower-income housing projects assisted under the Act by Single Persons who are not otherwise eligible by reason of qualification as an Elderly Family or as a Displaced Person or as the remaining member of a tenant family. This part also incorporates the statutory 10 percent limitation. (See § 812.3(f)). This part is applicable to all housing assisted under the Act.

§ 812.2 Definitions.

The following definitions shall be applicable to all housing assisted under the Act:

(a) *Disabled person.* "Disabled Person" means a person who is under a disability as defined in section 223 of the Social Security Act (42 U.S.C. 423) or in section 102(b)(5) of the Developmental Disabilities Services and Facilities Construction Amendments of 1970 (42 U.S.C. 6001 (7)).

(b) *Displaced person.* "Displaced Person" means a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(c) *Elderly family.* "Elderly Family" means a family whose head or spouse or whose sole member is at least sixty-two years of age, or a Disabled Person as defined in this section or a Handicapped Person as defined in this section, and may include two or more elderly, Disabled or Handicapped Persons living together, or one or more such persons living with another person who is determined to be essential to his or her care and well being.

(d) *Family.* "Family" means (1) two or more persons sharing residency whose income and resources are available to meet the family's needs and who are either related by blood, marriage, or operation of law, or have evidenced a stable family relationship, (2) an Elderly Family or Single Person as defined in this part, (3) the remaining member of a tenant family, and (4) a Displaced Person.

(e) *Handicapped person.* "Handicapped Person" means a person having a physical or mental impairment which (1) is expected to be of long-continued and indefinite duration, (2) substantially impedes his or her ability to live independently, and (3) is of such a nature that such ability could be improved by more suitable housing conditions.

(f) *Single person.* "Single Person" means a person living alone or intending to live alone and who does not qualify as an Elderly Family or a Displaced Person as defined in this Part, or as the remaining member of a tenant family.

§ 812.3 Authorization to admit single persons.

(a) *Requirement for HUD authorization.* No PHA or private owner shall admit Single Persons to any housing assisted under the Act except pursuant to an authorization issued by the HUD Field Office Director in accordance with this section, except as provided in paragraph (b)(2) of this section.

(b) *Types of projects eligible for authorization.* (1) The HUD Field Office Director may authorise any PHA or private owner to permit Single Persons to occupy any project for which the PHA or private owner has the authority to select tenants or intends to acquire that authority if (i) the project is one which has been or is intended to be converted to a low-income or lower-income project assisted under the Act, and (A) Single Persons are residing in the project at the time of conversion, or (B) the Director determines that the project is not suitable for occupancy by the elderly, disabled, or handicapped because of design or location; or (ii) the project is a low-income or lower-income project receiving assistance under the Act and is experiencing sustained vacancies as evidenced by one or more units having been vacant for a period of sixty days or more and no eligible applicants other than Single Persons are available. (2) A PHA administering a Section 8 Existing Housing Program pursuant to Part 882 of this chapter is authorised to issue a Certificate of Family Participation to a Single Person who otherwise qualifies without specific authorization from the Field Office Director provided that (i) no more than 10 percent of the units in the PHA's Existing Housing Program for which Leases are approved by the PHA are leased by Single Persons, and (ii) the PHA determines that issuance of a Certificate to a Single Person is appropriate because rehabilitation of an existing structure (not assisted pursuant to the Act), resulting in increased rents would require the Single Person to either pay more than 25 percent of income towards rent or move out.

(c) *Authorization for occupancy by single persons.* The Field Office Director may request the PHA or private owner to submit an application for authorization to permit Single Persons to occupy a project meeting criteria of § 812.3(b)(1). In addition, any PHA or private owner may initiate an application for such authorization. The application shall be submitted to the appropriate HUD

Field Office in the form of a letter which shall include the following:

(1) Identification of the project or projects involved and the maximum number of units for which the authorization is requested.

(2) A copy of the tenant selection policy which shall govern occupancy by Single Persons or, in the case of a project receiving assistance under Parts 880, 881, 883, or 886 of this chapter, a statement that the selection criteria set forth in the Management Plan applicable to the project will be adhered to in the selection of Single Persons.

(3) A narrative justification for the request including, in cases where the request is based on vacancies in a project already receiving assistance, a description of the PHA's or private owner's efforts to attract eligible applicants other than Single Persons to the project or projects involved.

(d) *Approval.* The HUD Field Office shall notify the PHA or private owner in writing of the action taken with respect to the application which may be one of the following:

(1) Approval as requested.

(2) Approval for a lesser number of units or projects than requested and any other conditions or modifications.

(3) Disapproval, with a statement of the reasons. In the event of approval, the letter of approval shall constitute the authorization to the PHA or private owner to permit Single Persons to occupy the specified number of units under the specified conditions.

(e) *Priority to elderly and displaced persons.* Notwithstanding any authorization to permit occupancy by Single Persons, a PHA or private owner shall extend preference to Elderly Families (including Disabled Persons and Handicapped Persons) and Displaced Persons over Single Persons unless the Field Office Director has determined pursuant to paragraph (b)(2)(i) of this section that the project or portion of such project is not suitable for occupancy by the elderly, disabled, or handicapped.

(f) *Statutory 10 percent limitation pursuant to section 3(2)(D) of the act.* The number of units authorized by the HUD Field Office to be made available to Single Persons within the area under the jurisdiction of a PHA shall not exceed 10 percent of the number of units within the jurisdiction assisted under the Act at the time of the authorization minus the number of units under the Existing Housing Program within the jurisdiction.

§ 812.4 Effect of authorization on contract provisions.

Notwithstanding the provisions of any contract or agreement pursuant to the Act, defining terms otherwise than as defined in § 812.2, PHAs or private owners are authorized to house Single Persons in accordance with an authorization by HUD pursuant to this part.

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order 11821.

Issued at Washington, D.C., May 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.77-13[illegible] Filed 5-6-77;8:45 am]

[Docket No. R-77-345]

PART 860—INCOME LIMITS WITH RESPECT TO, ADMISSION TO, AND OCCUPANCY OF, LOW-INCOME HOUSING OWNED BY PUBLIC HOUSING AGENCIES OR LEASED BY PUBLIC HOUSING AGENCIES FROM PRIVATE OWNERS

Subpart D—Minimum and Maximum Rent-Income Ratios, and Minimum Rent Requirements

AGENCY: Office of Assistant Secretary for Housing, Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to delete the definitions of (1) disabled person, (2) displaced family, (3) elderly family, (4) family, and (5) handicapped person from the existing rules. These definitions are no longer required since they have been superseded. The effect will be to produce a single uniform definition of family for the program.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Priscilla Banks, Housing Program Specialist, or Edward Whipple, Chief, Rental and Occupancy Branch (202-755-6596), U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Department has determined that it is unnecessary to publish this amendment for comment since it merely deletes these definitions superseded by the definitions in 24 CFR Part 812. Public comment was solicited and considered in the development of that rule.

The Department has determined that it would be in the public interest to make this rule effective as of the effective date of Part 812.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C.

Accordingly, § 860.403 is hereby amended to read as follows:

§ 860.403 Definitions.

The definition of family and other related terms contained in Part 812 of this chapter shall be applicable to this subpart. For the purpose of this subpart the following terms shall have the following meaning.

(a) * * *

(b)-(e) [Reserved]

*   *   *   *   *

(j) [Reserved]

*   *   *   *   *

(Sec. 2(7) of Housing Authorization Act of 1976 (42 U.S.C. 1437a); sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., May 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.77-13231 Filed 5-6-77;8:45 am]

[Docket Nos. R-77-[illegible]; R-77-[illegible]; R-77-[illegible]; R-77-[illegible]; R-77-[illegible]]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Eligible Family

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner, HUD

ACTION: Final rule.

SUMMARY: The purpose of this rule is to revise the definition of "Eligible Family" in Parts 880, 881, 882, 883, and 886 of this chapter to incorporate by reference the definitions in Part 812 of this chapter, "Definition of Family and Other Related Terms and Occupancy by Single Persons." Part 812 establishes a uniform definition of family and other related terms applicable to all housing assisted under the United States Housing Act of 1937, as amended (the Act) and establishes procedures and criteria for occupancy of housing by single, non-elderly persons who are not displaced or the remaining member of a tenant family.

EFFECTIVE DATE: May 9, 1977.

FOR FURTHER INFORMATION CONTACT:

Priscilla Banks, Housing Programs Specialist, or Edward Whipple, Chief; Rental and Occupancy Branch, 202-755-6596, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 with respect to the applicability of Part 812 to Parts 880, 881, 882, and 883. James J. Tahash, Director; Insured Project Mortgage Division, 202-755-6880, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410 with respect to the applicability of Part 812 to Part 886.

SUPPLEMENTARY INFORMATION: The Department has determined that it is unnecessary to publish this amendment for comment since it merely incorporates by reference the provisions of Part 812 and public comment was solicited and considered in the development of that rule.

The Department has determined that it would be in the public interest to make this rule effective as of the effective date of Part 812.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 10141, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C.

Accordingly, 24 CFR is amended by revising Part 880—Section 8 Housing Assistance Payments Program-New Construction: Part 881—Section 8 Housing Assistance Payments Program-Substantial Rehabilitation; Part 882—Section 8 Housing Assistance Payments Program-Existing Housing: Part 883—Section 8 Housing Assistance Payments Program-Housing Finance and Development Agencies and New Construction Set-Aside for Section 515 Rural Rental Housing Projects; Part 886—Section 8 Housing Assistance Payment Program-Special Allocations by deleting the definition of Eligible-family in each part and incorporating the revised definition as follows:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—NEW CONSTRUCTION

§ 880.102 Definitions.

* * * * *

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of elegibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

* * * * *

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

§ 881.102 Definitions.

* * * * *

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

* * * * *

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

§ 882.102 Definitions.

* * * * *

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part.

* * * * *

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING FINANCE AND DEVELOPMENT AGENCIES AND NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

§ 883.202 Definitions.

* * * * *

Eligible Family ("Family"). A Family as defined in Part 812 of this chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

* * * * *

§ 883.702 Definitions.

* * * * *

Eligible Family ("Family"). A family as defined in Part 812 of this chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other revelant circumstances during the term of the Contract.

* * * * *

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

§ 886.102 Definitions.

* * * * *

Eligible Family ("Family"). A Family as defined in Part 812 of this Chapter which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

* * * * *

(Sec. 3(f), Housing Authorization Act of 1976 (42 U.S.C. 1437a); sec. 7(d) Dept. of HUD Act (42 U.S.C. 3535(d)).)

NOTE.—It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with Executive Order No. 11821.

Issued at Washington, D.C., May 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc.77-13280 Filed 5-6-77;8:45 am]

federal register

MONDAY, DECEMBER 19, 1977

PART V

THE NATIONAL ARCHIVES OF THE UNITED STATES • 1934 •

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Eligible Family

[4210-01]

Title 24—Housing and Urban Development

CHAPTER VIII—LOW-INCOME HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-77-493]

PART 812—DEFINITION OF FAMILY AND OTHER RELATED TERMS; OCCUPANCY BY SINGLE PERSONS

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This deletes, in accordance with provisions of the Appropriations Act for Fiscal Year 1978, the provisions of Part 812 defining the conditions under which two or more persons are eligible for admission to housing assisted under the United States Housing Act of 1937.

EFFECTIVE DATE: December 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward Whipple, Chief, Rental and Occupancy Branch, 202-755-6596, U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: On May 9, 1977, HUD promulgated a final rule establishing a uniform definition of the term "Family" for all housing assisted under the United States Housing Act of 1937. This definition included provisions (at § 812.2(d)(1)) clarifying the circumstances under which two or more persons could qualify as a family eligible for assistance. The Congress has, however, subsequently prohibited the application of these regulatory provisions to contract and budget authority appropriated for Fiscal Year 1978 (Department of Housing and Urban Development—Independent Agencies Appropriation Act 1978, section 408). In view of this Congressional action, the Department is immediately deleting the language of § 812.2(d)(1) as promulgated on May 9, 1977.

The regulations for the various programs under section 8 of the U.S. Housing Act of 1937 (Parts 880, 881, 882, 883 and 886 of this Chapter) are being amended simultaneously to reflect this amendment to § 812.2(d).

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a Finding of Inapplicability of inflationary impact statement requirements has been made in accordance with HUD procedures. Copies of the Findings of Inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, § 812.2(d) of Title 24 CFR is amended to read as follows:

§ 812.2 Definitions.

* * * * *

(d) *Family.* "Family" includes, but is not limited to, (1) an Elderly Family or Single Person as defined in this part, (2) the remaining member of a tenant family, and (3) a Displaced Person.

* * * * *

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); Department of Housing and Urban Development—Independent Agencies Appropriation Act 1978, section 408.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this Regulation have been carefully evaluated in accordance with Executive Order 11821.

Issued at Washington, D.C., December 2, 1977.

MORTON BARUCH,
Deputy Assistant Secretary for Housing — Deputy Federal Housing Commissioner.

[FR Doc. 77-36152 Filed 12-16-77; 8:45 am]

[4210-01]

[Docket No. R-77-494]

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Definitions of "Eligible Family"

AGENCY: Office of Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rules.

SUMMARY: These rules amend the definitions of "Eligible Family" as used in the various Programs under Section 8 of the United States Housing Act of 1937 to achieve consistency with a simultaneous amendment to Section 812.2(d) of Chapter VIII defining the term "Family" for all housing assisted under the United States Housing Act of 1937.

EFFECTIVE DATE: December 19, 1977.

FOR FURTHER INFORMATION CONTACT:

Edward Whipple, Chief, Rental and Occupancy Branch, 202-755-6596, U.S. Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, with respect to the applicability of Part 812 to Parts 880, 881, 882 and 883.

James J. Tahash, Director, Insured Project Management Division, 202-755-6830, U.S. Department of Housing and Urban Development, 415 7th Street SW., Washington, D.C. 20410, with respect to the applicability of Part 812 to Part 886.

SUPPLEMENTARY INFORMATION: Since the amendment of the definition of "Family" at § 812.2(d) of Part 812 is being made effective immediately, by reason of the Congressional action cited in the preamble to that amendment, the Department has determined that the required amendments to the portions of the Section 8 regulations which refer to the Part 812 definition should also be made effective immediately.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. In addition, a Finding of Inapplicability of inflationary impact statement requirements has been made in accordance with HUD procedures. Copies of the Findings of Inapplicability will be available for public inspection during regular business hours at the office of the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

Accordingly, the definitions of "Eligible Family" in 24 CFR 880.102, 881.102, 882.102, 883.102, and 886.103 are revised as follows:

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—NEW CONSTRUCTION

§ 880.102 Definitions.

* * * * *

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

* * * * *

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

§ 881.102 Definitions.

* * * * *

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

* * * * *

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING

§ 882.102 Definitions.

* * * * *

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part.

* * * * *

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—HOUSING FINANCE AND DEVELOPMENT AGENCIES AND NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

§ 883.202 Definitions.

* * * * *

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

* * * * *

§ 883.702 Definitions.

* * * * *

Eligibile Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the other requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

* * * * *

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

§ 886.102 Definitions.

* * * * *

Eligible Family ("Family"). A Family (including those covered by the definition of "Family" in Part 812 of this Chapter) which qualifies as a Lower-Income Family and meets the requirements of the Act and this part. A Family's eligibility for housing assistance payments continues until its Gross Family Contribution equals the Gross Rent for the dwelling unit it occupies, but the termination of eligibility at such point shall not affect the Family's other rights under its Lease nor shall such termination preclude resumption of payments as a result of subsequent changes in Income or other relevant circumstances during the term of the Contract.

* * * * *

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)); United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); Department of Housing and Urban Development—Independent Agencies Act, 1978, Section 408.)

NOTE.—It is hereby certified that the economic and inflationary impacts of this Regulation have been carefully evaluated in accordance with Executive Order 11821.

Issued at Washington, D.C., December 2, 1977.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing—
Federal Housing Commissioner.

[FR Doc.77-36136 Filed 12-16-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, D.C. 20410

OFFICE OF THE ASSISTANT SECRETARY FOR
NEIGHBORHOODS, VOLUNTARY ASSOCIATIONS
AND CONSUMER PROTECTION

June 1, 1978

IN REPLY REFER TO:

MEMORANDUM FOR: All Concerned Women's Organizations
and Individuals

Subject: Good News on Battered Women's Shelters

As a result of recent efforts of this office and many of you, battered women's shelters have been clarified as an eligible activity under HUD's Community Development Block Grant (CDBG) program. The CDBG program is HUD's major funding avenue to local governments for a wide range of local determined community development activities.

The pertinent regulation reads as follows:

"570.202. Eligible rehabilitation and preservations activities. . . (2) Residential facilities, including group homes, halfway houses, and emergency shelters. For example, a group home for the handicapped or a temporary shelter for battered women may be provided through acquisition and rehabilitation of properties for those purposes."

Spending priorities are determined at the local level, but the grants must fulfill objectives such as adequate housing, a suitable living environment and expanded economic opportunities for lower-income groups. You should consult the agency in your locale which administers the CD program for information as to the geographic area covered by their planning, as well as timetables and funding level.

One other important source of information on your local community's CDBG application is the HUD Area Office nearest you, and specifically the Director of the Community Planning and Development Division. We have attached a list of these offices for you. Please feel free to contact them or our office if you have any questions regarding how to apply for these public monies.

Allene Joyce Skinner

Allene Joyce Skinner
Director
Women's Policy and Programs Division

U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
AREA OFFICES

CPD DIVISION DIRECTORS

Daniel Kolesar
999 Asylum Avenue
Hartford, CT 06105
203-244-3638

Robert Paquin
Bulfinch Building
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617-223-4114

Claude P. Miller
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No. 1 Raymond Plaza
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201-645-3025

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716-855-5768

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212-399-5250

Felipe Gorbea-Fernandez
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Hato Rey, PR 00918
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301-922-2417

Richard Traussi
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Philadelphia, PA 19106
215-597-2665

Bruce Crawford
Two Allegheny Center
Pittsburgh, PA 15212
412-644-2807

John A. Levay, Jr.
701 E Franklin Street
Richmond, VA 23219
804-782-2624

Robert B. Hand
Daniel Building
15 S 20th Street
Birmingham, AL 35233
205-254-1617

Charles T. Bickley
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904-791-3588

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404-526-6932

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502-582-5394

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Thomas L. Murray
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615-637-1261

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Stephen Havens
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317-269-7198

Richard Paul
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Detroit, MI 48226
313-226-4343

Roger Olson
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Minneapolis-St. Paul, MN 55435
612-725-4738

John Riordan
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614-469-6743

Nell Jones
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Warren McLaury
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Carl P. Geyer
Plaza Tower, 1001 Howard Avenue
New Orleans, LA 70113
504-589-2487

Williams Woolums
200 N W 5th Street
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405-231-4973

Leo Garrett
2001 Bryan Tower, 4th Floor
Dallas, TX 75201
214-749-1616

Raymond A. Galindo
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James Haff
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816-374-4221

Jack W. Kuhr
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Omaha, NE 68106
402-221-9380

Michael Gallie
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St. Louis, MO 63101
314-425-4363

Herbert L. Roberts
2500 Wilshire Blvd.
Los Angeles, CA
213-688-5100

Salvatore Tedesco
1 Embarcadero Center Suite 1600
San Francisco, CA 94111
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Vacant
300 Ala Moana,Rm. 3318
Honolulu, HI
808-546-2136

Floyd B. Arms
520 SW Sixth Avenue
Portland, OR 97204
503-221-2601

Vacant
334 West Fifth Avenue
Anchorage, AK 99501
907-272-5386

U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING ADMINISTRATION
WASHINGTON, D.C. 20213

MAR 14 1978

Honorable Arthur S. Flemming
Chairman
U.S. Commission on Civil Rights
1112 Vermont Avenue, N.W., Room 800
Washington, D.C. 20425

Dear Mr. Flemming:

Ms. Alexis Herman, Director of the Women's Bureau, has transmitted to us your suggestion that prime sponsors under the Comprehensive Employment and Training Act (CETA) be encouraged to fund programs for battered women.

This is to inform you that we are bringing this matter to the attention of all CETA prime sponsors through a CETA policy letter in which we encourage them to fund programs for battered women through titles I, II, and VI of the Act. We are recommending the establishment of employment components in existing programs for battered women through the hiring and training of job counselors, intake workers, and job developers. We are also suggesting that the prime sponsors' employment and training program staff work with local community agencies to plan for such components to be included in their comprehensive plan for CETA funding.

We hope this will be fruitful.

Sincerely,

ROBERT ANDERSON
Administrator
Office of Comprehensive
Employment Development

U.S. DEPARTMENT OF LABOR
Employment and Training Administration
Washington, D.C. 20213

CLASSIFICATION
CETA
CORRESPONDENCE SYMBOL
TDCP
DATE
May 10, 1978

DIRECTIVE: FIELD MEMORANDUM NO. 286-78

TO ALL REGIONAL ADMINISTRATORS

FROM LAWRENCE W. ROGERS
Administrator
Field Operations

SUBJECT : CETA Funding of Activities to Aid Battered Women

1. Purpose. We have recently been made aware of the plight of battered women across the nation. Part of their plight is their need for employment and training services. Therefore, we are encouraging all prime sponsors under the Comprehensive Employment and Training Act (CETA) to use CETA titles I, II, and VI funds for this effort.

2. Background. Since most battered women will eventually have to become self-supporting to extricate themselves from situations of domestic violence, services such as career and job counseling, referral to employment and training development of job hunting skills, and placement services will be important in assisting battered women. We encourage title I funding for such activities. Examples of jobs which could be funded under CETA titles I, II, and VI for battered women include outreach and social workers, mental health and employment counselors, intake workers, job developers, victim support advocates, paralegals, fundraisers, volunteer coordinators, and community education specialists.

3. Action Required. RA's should communicate to the prime sponsors that we are encouraging the funding of jobs and services for battered women. We suggest that prime sponsor staff work with local community agencies to plan for activities for battered women to be included in their comprehensive plan for CETA funding.

4. Inquiries. Questions may be addressed to Ruth Hernandez on (202) 523-9330 and Nancy Rose on 8-376-6990.

RESCISSIONS	EXPIRATION DATE
	June 30, 1979

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ETA 4-148

U.S. Department of Labor

Office of the Secretary
Women's Bureau
Washington, D.C. 20210

Reply to the Attention of: SWD

February 10, 1978

Honorable Arthur S. Flemming
Chairman
U.S. Commission on Civil Rights
1121 Vermont Avenue, N.W.-Room 800
Washington, D.C. 20425

Dear Mr. Flemming:

I would like first of all to congratulate you for organizing a Consultation in a timely manner to make the plight of battered women visible to both the President and the Congress.

Although I was not able to attend the Consultation personally, I have received very favorable reports on the quality of the agenda. My staff noted in particular the Honorable Lisa Richette's inspiring oral presentation and the Commissioners' own responses and questions to the panels.

In response to your query concerning whether the CETA prime sponsors have been encouraged to fund battered women's programs, I have written a memo to Robert Anderson, Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, DOL, urging him to take this step.

Again, congratulations for a much needed and successful Consultation.

Sincerely,

ALEXIS HERMAN
Director

LEGAL SERVICES CORPORATION
733 Fifteenth Street, N.W., Washington, D. C. 20005 (202) 376-5100

Thomas Ehrlich
President
E. Clinton Bamberger, Jr.
Executive Vice-President

MEMORANDUM

DATE: February 15, 1978

TO: The Honorable Arthur S. Flemming, Chairman, Civil Rights Commission

FROM: Thomas Ehrlich, President, Legal Services Corporation

SUBJ: Response to Questions Posed at Civil Rights Consultation on Battered Women, January 31, 1978

Question One: Does the restriction on representation in criminal cases hinder the representation of battered women?

Section 1007(b)(2) of the Legal Services Corporation Act, 42 U.S.C. 2996f(b)(2), as amended Public Law 95-222, prohibits the use of Corporation funds

> to provide legal assistance with respect to any criminal proceeding, except to provide assistance to a person charged with a misdemeanor or lessor offense or its equivalent in an Indian tribal court.

The statutory section is implemented by Corporation Regulation 1613. (Copy attached.) The Regulation has not yet been revised to reflect the changes made by Public Law 95-222, but those changes are not relevant to this issue. As defined in the Corporation Regulation, the prohibition against representation with respect to a criminal proceeding does not apply until the proceeding has been "initiated by a formal complaint, information, or indictment charging a person with an offense denominated 'criminal' by applicable law, and punishable by death, imprisonment, or jail sentence." Nothing in the Regulation prevents a legal services program from advising a woman about how to file a complaint. Our definition of the point at which a criminal proceeding is "initiated" is consistent with the decision of the United States Supreme Court in Kirby v. Illinois, 406 U.S. 682 (1972).

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Further, the Regulation prohibits representation in a proceeding initiated by the prosecution, but it does not prevent a legal services program from representing a woman seeking a protective order or in any other civil matter that she might want to initiate. With respect to representing a woman as a complaining witness in a prosecution of a criminal spouse abuse complaint, the responsibility for doing so lies with the local prosecuting attorney.

We do not believe that the statute, as implemented by our Regulation, prevents a legal services program from giving any woman appropriate assistance in connection with family abuse matters.

Question Two: Is there a need for a Statement of Understanding between the Legal Services Corporation and the Department of Health, Education and Welfare on battered women similar to the Statement of Understanding with the Administration on Aging with respect to legal services for the elderly?

After passage of the 1975 amendments to the Older Americans Act, which designated legal services as one of the four priority services to be provided older persons through funds available to state and area aging agencies under Title III of that Act, the Legal Services Corporation and the Administration of Aging (within the Department of Health, Education, and Welfare) entered into a Statement of Understanding to encourage cooperative working relationships between LSC funded legal services programs and AOA funded projects and agencies at the state and local level. The Statement of Understanding, and the resulting cooperative efforts, have been helpful in increasing the scale and effectiveness of legal services for the elderly poor.

The Legal Services Corporation was asked to comment on whether a similar agreement with the Department of Health, Education, and Welfare regarding legal services for battered women would be helpful. In our view, the current situations are sufficiently different that such an agreement would not be helpful.

The major distinction between the two situations is that the Statement of Understanding with AOA concerns two programs funded by Congress specifically to provide legal services to the elderly poor. The Statement of Understanding is designed to avoid duplication of effort and assure coordination of the resources available under both programs so that the greatest possible benefit will result. HEW does not current administer any program designed to provide legal services for battered women.

HEW does administer a number of programs, such as AFDC and daycare, which should benefit battered women. Local legal services programs sometimes represent clients in their efforts to obtain such HEW funded benefits, and may in some cases become involved in litigation. It is difficult to envision a cooperative arrangement that would be appropriate.

There may well be steps that LSC and HEW should take to coordinate the efforts, within the programs funded by their respective agencies to help battered women, but we do not believe the nature of the programs funded lend themselves to a cooperative agreement.

The second difference is that legal services for the elderly concern legal services to a single group of poor people on a range of legal problems, while spouse abuse is one particular problem for which women, and some abused men, seek legal representation. The Legal Services Corporation can and does forbid discrimination by local programs against any sex, race, ethnic, or age group and encourages programs to use limited resources in ways that benefit all groups in a community. On the other hand, LSC strongly resists specifying to local programs the kinds of cases they should accept.

The Corporation does require that local programs undertake a priority setting process, in consultation with their client communities, to assure limited resources are used effectively to respond to the needs of their community. Some local programs, have identified spouse abuse cases as a priority. Some programs have devoted a portion of their resources to such cases and in some instances supplemented the resources available with outside funding.

Provided by the Law Enforcement Assistance Administration, U.S. Department of Justice

LEAA works in partnership with state and local governments which, historically, bear the prime responsibility for crime reduction and law enforcement.

Congress affirmed this in the law that created LEAA—the Omnibus Crime Control and Safe Streets Act of 1968. The act states:

> "Crime is essentially a local problem that must be dealt with by state and local governments if it is to be controlled effectively."

This was further underscored by the Congress in the Juvenile Justice and Delinquency Prevention Act of 1974, also administered by LEAA, which joins the Agency, states, and localities in a partnership to deal with "a growing threat to the national welfare"—juvenile delinquency.

Under the anticrime partnership, the Federal government supplies financial resources, technical advice, and leadership, but states and localities set their crime control priorities. They devise specific action programs and allocate LEAA funds according to their carefully developed plans.

Federal Funds

The Federal funds are substantial. In seven years LEAA has awarded more than $4 billion to state and local governments to improve police, courts, and correctional systems; to combat juvenile delinquency; and to finance innovative crime-fighting projects. And the Agency carries on these other activities:

- Sponsors comprehensive state planning to reduce crime and improve criminal justice.
- Stimulates the creation of new ways to attack specific nationwide problems, such as organized crime and drug abuse.
- Addresses issues such as protecting the privacy and security of criminal history information and promoting the employment of minority group members and women in criminal justice agencies.
- Conducts research to increase our knowledge about the causes of criminal behavior, develops innovative techniques to prevent and control crime, and evaluates the effectiveness of criminal justice programs.
- Adapts and utilizes advanced technology to make police agencies, courts, and correctional systems more effective.
- Advises state and local governments and their agencies about technical matters, for example, the use of television technology in court proceedings.
- Develops reliable statistics on crime victims, offenders, and the operations of the criminal justice system.
- Helps train and educate criminal justice personnel and sponsors the improvement of criminal justice curricula in colleges and universities.

A PARTNERSHIP FOR CRIME CONTROL

This information is in response to the questions on page 215. From the publication "The Law Enforcement Assistance Administration: A Partnership For Crime Control," LEAA, U.S. Department of Justice, Washington, D.C.

Planning for Crime Control

Good planning—the cornerstone of successful crime control—is a key element of the LEAA program. The LEAA legislation requires that each eligible jurisdiction prepare an annual comprehensive plan for reducing crime, improving criminal justice, and preventing and controlling juvenile delinquency.

Congress felt that although states and localities needed Federal help, it was essential that they assess their criminal justice needs, set their own priorities, and plan their programs. To help guarantee this state-local responsibility and state-local control, the Congress decided that the bulk of LEAA funds should be awarded in block grants based on state populations. LEAA controls are restricted to maintaining the integrity of the program and making sure that states and localities adhere to legislative mandates.

Essentially, this ensures that states and localities take the initiative, with LEAA providing leadership and guidance both from its 10 regional offices and its Washington headquarters.

State Planning Agencies

State planning agencies—commonly known as SPA's—are responsible for preparing and revising the comprehensive plans. The SPA supervisory board members are appointed by governors and chief executives of eligible jurisdictions. Members are representative of criminal justice, units of local and state government, urban-rural interests, and of citizen, professional, and community organizations.

LEAA finances the preparation of the plans with planning grants authorized under Part B of the Safe Streets Act and awards action grants authorized in Parts C and E of the act to finance the planned improvements.

Planning Grants

Each SPA is entitled to a yearly base planning grant of at least $200,000. The LEAA distributes the rest of its planning budget according to state population.

Pass-through. To insure local involvement in the planning process, each state must make at least 40 percent of its planning grant available to local government units. (LEAA may waive this requirement in states where the bulk of responsibility for law enforcement and criminal justice rests with the states rather than with local governments or where adherence to the 40 percent formula would not contribute to the efficient development of the state plan.)

Regional planning units may receive 100 percent Federal funding, but other recipients—SPA's or local planning groups—provide a 10 percent match. Half of this match must be furnished by the state. That is, a local government would need to supply only $5 for each $90 in Federal money—the state would contribute the other $5. All matching funds must be a "hard" match—appropriated money rather than services or other in-kind contributions.

State Plan. The state plan must be comprehensive, that is, it must be a total, integrated analysis of the problems regarding law enforcement and criminal justice in the state. Also, it must establish goals, priorities, and standards. In addition, it must address methods and resources necessary for crime prevention; for identification, detection, and apprehension of suspects; for adjudication; for custodial treatment of suspects and offenders; and for offender rehabilitation.

Block Action Grants

LEAA must approve or disapprove a state's comprehensive plan within 90 days. If LEAA takes no action, the plan automatically becomes valid.

Once the plan is approved, LEAA awards the state its block action grants (Parts C and E of the Safe Streets Act) to carry out the specific improvement projects. The SPA then subgrants these funds to cities, counties, and to state agencies.

Block grants are allocated according to population to 55 eligible jurisdictions—the 50 states; Puerto Rico; Washington, D.C.; American Samoa; Guam; and the Virgin Islands. The allocations are funneled to the SPA's which subgrant the money for local and statewide use.

Funds appropriated for the Juvenile Justice Act provide for block grants based on populations of persons under 18 years of age.

Part C funds are for criminal detection and apprehension, correctional system improvement, juvenile delinquency, criminal prosecution and court system reform, upgrading criminal justice personnel, crime prevention, research and development, construction of criminal justice facilities, organized crime control, preventing and controlling civil disorders, police-community relations, and the establishment of criminal justice coordinating councils and interstate metropolitan regional planning units.

Part E funds are solely for corrections, including probation and parole. These funds supplement—they do not supplant—efforts funded through

state and local resources and through other LEAA block and discretionary grants. Part E funds may be used to construct, acquire, or renovate correctional buildings and to improve correctional programs and practices. The LEAA legislation stresses community-based programs, such as halfway houses, and release on supervised programs of juvenile delinquents, young offenders, and first offenders.

Juvenile Justice Act funds may be used to support a wide range of efforts to combat juvenile delinquency, supplementing state and local efforts supported with other grants.

Subgrants and Matching Funds. States must subgrant to local governments the percentage of Part C action funds that corresponds to state and local expenditures for law enforcement in the preceding fiscal year. For example, if all non-Federal spending for law enforcement in a state consists of 30 percent in state funds and 70 percent in funds spent by localities, then the block action grant must be earmarked the same way—the state would retain up to 30 percent of the money for statewide programs and pass on the other 70 percent to local governments.

These grants require a 10 percent non-Federal match, and half of that match for local projects must be from state funds. Construction projects financed with Part C block funds are an exception. They are funded on a 50-50 basis. However, correctional facilities built with Part E funds or with Part C discretionary funds require only a 10 percent match. As noted in the foregoing, matching funds must be a "hard" match—appropriated money.

Plan Disapproved. If a state's plan is not approved, LEAA may reallocate the block action funds in the form of discretionary grants. If a state fails to use some of its block grant, LEAA may reallocate that money to other states.

Discretionary Grants

LEAA also awards action grants directly to states, cities, counties, and non-profit organizations. These discretionary grants represent 15 percent of the total Part C budget and 50 percent of the Part E budget and from 25 to 50 percent of Juvenile Justice Act funds. These grants are for innovative and experimental projects and those that address national priorities.

Environmental Protection

The Federal government's program to halt pollution and prevent environmental deterioration has important implications for certain LEAA-financed projects.

Projects having a significant effect upon the environment must comply with the environmental impact statement procedures established by the National Environmental Policy Act of 1969.

LEAA has identified such projects as those involving construction, renovation, or modification of facilities and those involving the use of herbicides and pesticides. Others are determined on an individual basis. An applicant for a grant, subgrant, or contract must attach to his application a negative declaration—signifying no environmental impact, or, if there is such an impact, a detailed environmental analysis.

The following publications and documents are available at the U.S. Commission on Civil Rights, Women's Rights Program Unit, for inspection or can be requested from the Law Enforcement Assistance Administration (see directory section for address).

An Approach to Evaluating A Police Program of Family Crisis Intervention in Six Demonstration Cities (June 1976)

Information Sources and Program Implementation: Results of A Survey of Police Use of Crisis Intervention Training and Team Policing (April 1977)

Police Family Crisis Intervention and Conflict Management: An Action Research Analysis (April 1972)

The Function of the Police in Crisis Intervention and Conflict Management—A Training Guide (1975)

Appendix D

Federal Legislation

At the time of the consultation (January 30–31, 1978), several bills addressing the concerns of battered women had been introduced in Congress. They were:

S. 1728, the Domestic Violence Prevention and Treatment Act, introduced by Senators Anderson and Kennedy;
H.R. 7927, the Domestic Violence Prevention and Treatment Act, introduced by Representatives Boggs and Steers; and
H.R. 8948, the Family Violence Prevention and Treatment Act, introduced by Representative Mikulski.

Staff of Representatives Boggs, Mikulski, and Steers appeared on the congressional panel to discuss these bills.

Since that time, the Senate, on August 1, 1978, approved by voice vote S. 2759, introduced by Senator Cranston (S. Report 95–824). A House bill, H.R. 12299 (an amended and synthesized version of the Mikulski and Boggs-Steers bills), was introduced by Representative George Miller and voted out of the Subcommittee on Select Education of the Committee on Education and Labor (H. Report 95-1127). On May 23, 1978, that bill came up on the floor under suspension of the rules and lost by a vote of 205–201. Subsequently, following procedure, it has been requested of the Rules Committee that a rule be granted, and supporters of the legislation anticipate that the bill will come up in the House by the end of 1978.

Rather than provide the text of the bills under discussion at the consultation, but no longer being considered by the Congress, following are the two bills on which the Senate and House have acted at the time this publication went to press.

Calendar No. 755

95th CONGRESS
2d Session

S. 2759

[Report No. 95–824]

IN THE SENATE OF THE UNITED STATES

March 16 (legislative day, February 6), 1978

Mr. Cranston (for himself, Mr. Williams, Mr. Javits, Mr. Riegle, Mr. Hayakawa, Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Stafford, Mr. Anderson, Mr. Bayh, Mr. Abourezk, Mr. Leahy, Mr. Matsunaga, and Mr. Gravel) introduced the following bill; which was read twice and referred to the Committee on Human Resources

May 15 (legislative day, April 24), 1978

Reported by Mr. Cranston, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To provide for Federal support and stimulation of State, local, and community activities to prevent domestic violence and assist the victims of domestic violence, for coordination of Federal programs and activities pertaining to domestic violence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ~~That this Act may be cited as the "Domestic Violence Prevention and Services Act".~~

~~FINDINGS AND PURPOSE~~

~~Sec. 2. (a) The Congress hereby finds that—~~

~~(1) a significant number of homicides, aggravated~~

II—O

~~(5) "Secretary" means the Secretary of Health, Education, and Welfare; and~~

~~(6) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.~~

~~AUTHORIZATION OF APPROPRIATIONS~~

~~SEC. 17. There are authorized to be appropriated $30,000,000 for the fiscal year 1979 and for each of the four succeeding fiscal years in order to carry out the provisions of this Act. Of the sums so appropriated for any fiscal year, 85 per centum shall be used for making grants under section 4; 8 per centum shall be used for the operation and activities of the Center under section 8; and 7 per centum shall be used for research conducted or caused to be conducted under section 9.~~

That this Act may be cited as the "Domestic Violence Prevention and Services Act".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) a significant number of homicides, aggravated assaults, and assaults and batteries occur within the home between adult members of families;

(2) the reported incidence of domestic violence represents only a portion of the total number of incidents of domestic violence;

(3) a large percentage of police officer deaths in the line of duty result from police intervention in domestic violence situations;

(4) domestic violence is a complex problem affecting families from all social and economic backgrounds; and

(5) the effectiveness of State laws and State and local community programs in reporting and preventing domestic violence and assisting victims and dependents of victims of domestic violence is not readily ascertainable.

(b) It is the purpose of this Act to increase the participation by States, local communities, nonprofit private organizations, and individual citizens in efforts to prevent domestic violence and assist victims and dependents of victims of domestic violence; to establish regional centers to provide technical assistance and training, as appropriate, with respect to domestic violence programs to interested States, local communities, nonprofit private organizations, and other interested groups, officials, and persons; to establish an interagency council to seek to coordinate Federal programs with respect to domestic violence; and to provide for research and reporting programs relating to domestic violence.

STATE CITIZEN PANELS ON DOMESTIC VIOLENCE

SEC. 3. (a) In order to provide an opportunity for citizen participation in planning and developing efforts to prevent domestic violence and assist victims and dependents of victims of domestic violence, and provide citizens knowledgeable about the problems of domestic violence with an opportunity to make recommendations with respect to resolving such problems, each State, in order to qualify for a grant under section 4(a), shall establish a State citizen panel on domestic violence (hereinafter referred to as the "panel").

(b) A panel shall be composed of not less than nine nor more than fifteen members appointed by the chief executive of the State (after soliciting and considering recommendations from interested organizations and individuals) and shall include individuals with experience in the provision of services in the areas of law enforcement, health care, alcohol and drug abuse, and social work and services, and members of the general public. Not less than one-third of the members of a panel shall be individuals who have experience in the provision of community services with respect to domestic violence, and not less than one-third of the members shall be individuals who have been victims of domestic violence.

(c)(1) A panel shall—

(A) oversee within the State the implementation of Federal, State, and local programs and projects under

this Act, including consideration of the extent to which the geographic distribution of grants by the State under section 4(a) is equitable, taking into account the distribution of population within the State, and, to the extent feasible, examine and evaluate other Federal, State, and local programs providing services in the State that are or could be used in relation to the prevention of domestic violence or the provision of assistance to victims and dependents of victims of domestic violence;

(B) coordinate activities under this section with the appropriate regional center on domestic violence established pursuant to section 8(c); and

(C)(i) after considering statewide needs with respect to domestic violence and evaluating the extent to which existing programs and projects meet such needs, make recommendations to the chief executive of the State and to the designated State agency with respect to activities and services conducted by or caused to be conducted by State agencies under this Act, the distribution of funds to be made through grants to local public agencies and nonprofit private organizations, and plans for effectively meeting such statewide needs, and

(ii) make such recommendations to, as appropriate, the chief executive of the State, the State legisla-

ture, the designated State agency, and the Secretary with respect to the functions it carries out under this paragraph.

(2) In addition to the recommendations described in paragraph (1)(C) of this subsection, a panel may study and make recommendations to, as appropriate, the chief executive of the State, the State legislature, the designated State agency, the Secretary, and the Congress with respect to—

(A) State criminal or civil laws relating to domestic violence;

(B) the extent to which the State judicial system affects victims and perpetrators of domestic violence;

(C) the development of a uniform law enforcement reporting system with respect to incidents of domestic violence;

(D) the relationship between incidents of domestic violence and drug or alcohol abuse;

(E) the effectiveness of Federal, State, and local domestic violence programs and projects and the ways such programs may be improved; and

(F) such other matters relating to domestic violence as the panel may deem appropriate.

Any recommendation made by the panel to the chief executive of the State, the designated State agency, or the State *legislature pursuant to this subsection shall be included in the State report required to be submitted pursuant to section 7.*

(d) Members of a panel who are not regular full-time employees of the United States shall, while attending meetings of the panel or otherwise engaged in the business of the panel, be entitled, subject to the expenditure limitation in section 6(a)(2)(B), to compensation at a rate equal to a per diem amount established by the State wherein the panel is located for each day they are engaged in the performance of their duties as members of the panel, and may, if determined by such State, and subject to the expenditure limitation in section 6(a)(2)(B), be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out the functions of the panel.

GRANTS AUTHORIZED

SEC. 4. (a)(1) In order to assist in supporting the establishment, maintenance, and expansion of programs and projects to prevent incidents of domestic violence and to assist victims and dependents of victims of domestic violence, the Secretary is authorized, in accordance with the provisions of this Act and through the Director, to make grants to States that meet the non-Federal share and other requirements of this Act.

(2) No grant may be made under this subsection unless a panel has been established pursuant to section 3.

(b)(1) The Secretary, through the Director, is authorized to make grants to local public agencies and nonprofit private organizations for projects designed to prevent incidents of domestic violence and to assist victims and dependents of victims of domestic violence.

(2) No grant may be made under this subsection in any fiscal year to any single entity in excess of $35,000, and the total amount of such grants over a period of five fiscal years to any single entity shall not exceed $60,000.

(3) The amount of grants made under this subsection in any fiscal year to entities located in a State which did not qualify in the previous year for assistance under section 4(a) of this Act shall not exceed the following percentages of the amount of funds allotted under section 5(a) for a grant to such State for such fiscal year; for fiscal year 1979, 50 per centum; for fiscal year 1980, 45 per centum; for fiscal year 1981, 40 per centum; for fiscal year 1982, 35 per centum; and for fiscal year 1983, 30 per centum.

(c)(1) Not less than 80 per centum nor more than 85 per centum of the sums appropriated for any fiscal year under section 17 and made available for grants under this section shall, except as otherwise provided in section 5, be used for grants to States.

(2) To the maximum extent feasible, not less than 50 per centum of the amount made available for grants under

subsection (b) of this section from sums appropriated under section 17 shall be used for grants to nonprofit private organizations.

ALLOTMENT OF FUNDS

SEC. 5. (a) From the sums appropriated for any fiscal year under section 17, each State shall be allotted for payment in a grant under section 4(a) an amount which bears the same ratio to such sums as the population of such State bears to the population of all States, except that—

(1) each State shall be allotted not less than one-half of 1 per centum of the amounts available for grants under section 4(a) for the fiscal year for which the determination is made; and

(2) Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands shall each be allotted not less than one-eighth of 1 per centum of the amounts available for grants under section 4(a) for the fiscal year for which the allotment is made.

For the purpose of the exception contained in clause (1) of this subsection only, the term "State" does not include Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

(b)(1) If by the end of the sixth month of the fiscal

year for which sums have been appropriated under section 17, the amount allotted to a State has not been paid to such State in a grant under section 4(a) because of such State's failure to qualify, in accordance with the provisions of this Act, for such a grant, the Secretary shall make reallotment of the total amounts not so paid, as follows:

(A) not less than 50 per centum in grants to States so qualifying, each State to be paid an amount which bears the same ratio to the total amount to be reallotted as the population of such qualifying State bears to the population of all qualifying States; and

(B) the remaining 50 per centum in grants under section 4(b) unless the Secretary determines that a lesser per centum would more effectively carry out the purposes and provisions of this Act.

Not less than thirty days prior to making a determination pursuant to clause (B) of this paragraph that less than such 50 per centum would be made available for grants under section 4(b), the Secretary shall advise the appropriate committees of the Congress and publish in the Federal Register a statement, with supporting reasons, of the Secretary's intention to make such determination.

(2) The Secretary may make available for reallotment in accordance with the provisions of paragraph (1) of this subsection such amounts paid in any fiscal year in a grant to

a State under section 4(a) as the Secretary determines, after consultation with such State, will not be used by such State during such fiscal year for carrying out the provisions of this Act.

(3) For the purposes of paragraphs (1) and (2) of this subsection, a State which the Secretary, pursuant to paragraph (2) of this subsection, has determined will not use any of the amounts paid in a grant pursuant to section 4(a) shall not be eligible for a reallotment of funds under either such paragraph.

(4) Funds made available by the Secretary through reallotment pursuant to paragraph (1) or (2) of this subsection shall remain available for expenditure until the end of the fiscal year following the fiscal year in which such funds become available for reallotment.

APPLICATIONS

SEC. 6. (a) No grant may be made under section 4(a) unless the chief executive of the State submits an application to the Secretary at such time and in such manner as the Secretary may reasonably require. Each such application shall—

(1) provide that funds paid under this Act will be used only for programs and projects within such State to prevent incidents of domestic violence and to assist victims and dependents of victims of domestic violence;

(2) provide with respect to funds paid to a State under section 4(a) for any fiscal year that—

(A) not in excess of 15 per centum of such funds or $125,000, whichever is the lesser, will be used for the administration of the program for which application is made;

(B) not in excess of 10 per centum but not less than 5 per centum of such funds will be used for the cost of administering the panel established pursuant to section 3;

(C) not less than 25 per centum nor in excess of 40 per centum of such funds as are remaining after the use of funds for the purposes described in subclauses (A) and (B) of this clause will be used for activities and services with respect to domestic violence conducted by or caused to be conducted by State agencies; and

(D) the remainder of such funds will be distributed through grants to local public agencies and nonprofit private organizations, but not less than 50 per centum of such remainder will be used for grants to nonprofit private organizations within the State, with special emphasis on the support of community-based projects of demonstrated effectiveness, particularly those operating shelters;

(3) provide assurances that no grant of funds to a nonprofit private organization will exceed $35,000 in any fiscal year and that the total amount of such grants over a period of five fiscal years to any single nonprofit private organization will not exceed $60,000: Provided, That, notwithstanding the provisions of section 15(b), a State may augment such a grant with State funds to provide a total of Federal and State assistonce not exceeding $50,000 in any year and $100,000 over a five-year period for the purposes of providing and maintaining shelters;

(4) set forth procedures designed to assure an equitable distribution of funds within the State;

(5) set forth procedures for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid in the grant, including such funds distributed by the State to local public agencies and nonprofit private organizations, under this Act;

(6) specify the State agency to be designated as responsible for the administration of the program;

(7) provide for making such reasonable reports as provided for in section 7 in such form, at such times, and containing such additional information as the Secretary may deem essential to carry out the

purposes and provisions of this Act, and for keeping such records and affording such access thereto as the Secretary may deem essential to assure the correctness and verification of such reports;

(8) provide assurances of, and procedures for, compliance with the provisions of section 11, relating to confidentiality; and

(9) provide such other assurances and include such other information as the Secretary deems essential to carry out the purposes and provisions of this Act.

In making grants pursuant to paragraph (2)(D) of this subsection, a State shall, whenever feasible, provide reasonable assurances to its grantees of the level of future support which each such grantee is likely to receive from the State, assuming continuation of an adequate level of Federal assistance under this Act.

(b) No grant may be made under section 4(b) unless an application is made to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems essential to carry out the purposes and provisions of this Act, particularly section 10(7). Such application shall comply, as applicable, with the provisions of clauses (1), (5), (7), and (8) of subsection (a) of this section.

(c) The Secretary shall approve any application that

meets the requirements of subsection (a) or (b) of this section, and the Secretary shall not disapprove an application for a grant under section 4(a) except after reasonable notice and notice of an opportunity for a hearing.

STATE REPORTS

SEC. 7. (a) For the purpose of furnishing information to the Congress to aid in its oversight activities, each State receiving a grant under section 4(a) shall submit to the Secretary, on or before December 1 of each year, a concise report providing specific information on the implementation of programs and projects under this Act. Each such report shall include (both with respect to funds paid under this Act and provided by the State pursuant to section 15 of this Act) information for the preceding fiscal year as to—

(1) the amount used to administer the State program;

(2) the amount used to administer the panel and any recommendations made by the panel to the chief executive, the designated State agency, or legislature of the State pursuant to section 3(c)(2);

(3) the amount used for services provided and activities conducted, or caused to be provided or conducted, by the State, broken down by agency and by types of services and activities conducted or caused to be conducted by such agency;

(4) the number, recipients, and amounts of grants to local public agencies and nonprofit private organizations;

(5) the number of persons estimated to have been assisted in projects described in clauses (3) and (5) of this subsection; and

(6) such other specific information as the Secretary may deem essential to carry out the purposes and provisions of this Act.

(b) Prior to requiring any specific information under clause (6) of this subsection, the Secretary shall advise the appropriate committees of the Congress and each participating State of the reasons for requiring such information.

NATIONAL CENTER ON DOMESTIC VIOLENCE

SEC. 8. (a)(1) There is established within the Office of the Secretary an identifiable administrative unit to serve as the National Center on Domestic Violence.

(2) The Center shall be headed by a Director who shall be appointed by the Secretary and shall be compensated at a rate not less than the rate prescribed for a GS-16 under section 5332 of title 5 of the United States Code.

(b) The Director of the Center shall—

(1) be responsible for overseeing all programs and activities carried out under this Act and shall seek to

coordinate, through the interagency council established by section 14(b), all Federal programs and activities (including research activities), to the extent such programs and activities relate to domestic violence, carried out with respect to the prevention of domestic violence or the provision of assistance to victims and dependents of victims of domestic violence;

(2) in order to aid the Congress in its oversight activities, take whatever action is necessary to keep the Congress fully and currently informed with respect to the administration and implementation of this Act; and

(3) provide for the establishment and operation of a national information and resource clearinghouse for matters with respect to domestic violence in order to—

(A) collect, analyze, prepare, and disseminate information relating to the prevention of domestic violence and the provision of assistance to victims and dependents of victims of domestic violence;

(B) serve as an advocate for the prevention of domestic violence and the provision of assistance to victims and dependents of victims of domestic violence, and of State and local domestic violence information centers; and

(C) provide appropriate assistance to persons

or organizations interested in preventing domestic violence or providing assistance to victims and dependents of victims of domestic violence.

(c) The Secretary, through the Director, shall make grants to public or nonprofit private entities or enter into contracts with public or private entities to provide for not less than one regional center on domestic violence to be located in each region of the United States as designated by the Secretary. Funds for the operation of a center or centers within such region shall be allocated to each such region, to the maximum extent feasible (taking into account the geographical needs of each region), in an amount from sums made available for any fiscal year for the purpose of this subsection that bears the same ratio to the total amount of the sums so made available as the population of such region bears to the total population of the United States. Each such regional center shall, in coordination with activities carried out under subsection (b)(3) of this section, provide technical assistance, training, and outreach services to States, local public agencies, and nonprofit private organizations participating or interested in participating in the programs and projects authorized by this Act, and shall inform such entities and all other interested parties, officials, and organizations of alternative sources of assistance available with respect to the prevention of incidents of domestic

violence and the provision of assistance to victims and dependents of victims of domestic violence.

RESEARCH

SEC. 9. (a) The Secretary, through the Director, shall conduct, directly or by grant or contract, research activities and demonstration projects on domestic violence.

(b) Not less than 50 per centum of the sums made available for any fiscal year for the purposes of this section shall be made available by the Secretary, through the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration, established under section 201 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1974 (Public Law 93-282) (42 U.S.C. 3511), for use by the Institutes within such Administration for such research activities on domestic violence as are jointly agreed to by the Director and the Directors of the Institutes to which such sums are made available for the conduct, directly or by grant or contracts of such research activities.

NATIONAL CENTER REPORTS

SEC. 10. For the purpose of furnishing information to aid the Congress in its oversight activities, the Secretary, through the Director, on or before February 1 of each year, shall prepare and submit to the Congress a concise report providing specific information on the programs authorized *by this Act. Each such report shall include for the preceding fiscal year—*

(1) the name of each State receiving a grant under section 4(a) and the amounts of funds paid in such a grant by way of allotment and reallotment;

(2) the total amounts of funds reallotted pursuant to section 5 and distributed pursuant to section 4(b);

(3) a listing, by region, of the grants and contracts made, and the amounts of funds provided thereunder, for the establishment of regional centers on domestic violence pursuant to section 8(c);

(4) the total amount of funds made available to the Administrator of the Alcohol, Drug Abuse, and Mental Health Administration and, by such Administrator, the Institutes within such Administration for research activities pursuant to section 9;

(5) the names of grantees, the nature of the research activity, and the amounts of funds granted for research activities conducted or caused to be conducted pursuant to section 9;

(6) with respect to grants made under section 4(a), a tabulation of the data described in section 7(a);

(7) with respect to grants made under section 4(b)—

(A) the number of such grants;

(B) a listing, by State, of the number of grants made, and the amounts of funds paid thereunder, for projects in States not receiving or not utilizing in full such State's allotments of funds for grants under section 4(a);

(C) the number of grants made, and the percentage of all amounts so granted, to projects conducted in rural areas; and

(D) the percentage of funds paid in grants to nonprofit private organizations and the names, locations, and the amounts of all funds paid in such grants; and

(8) any recommendation which the Secretary determines to be appropriate for improving the programs authorized by this Act.

CONFIDENTIALITY

SEC. 11. The provisions of section 408 relating to confidentiality (including the penalty in subsection (e)), of the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255; 21 U.S.C. 1175) shall be applied to the records of any individuals subject to any program, project, or activity assisted under the provisions of this Act.

AUDIT PROVISIONS

SEC. 12. The Secretary and the Comptroller General of the United States, or any of their duly authorized representa-

tives, shall, until the expiration of three years after the completion of the program, project, or activity authorized or assisted under this Act, have access, consistent with the provisions of section 11, for the purpose of audit and examination, to any books, documents, papers, and records of recipients which, in the opinion of the Comptroller General, after consultation with the Secretary, may be related, or pertinent to, the grants or contracts authorized to be made under this Act.

EVALUATION

SEC. 13. (a) The Secretary shall review, evaluate, and report to Congress, not later than three years after the date funds are obligated for grants under section 4(a) for the first time after the date of enactment of this Act, as to the effectiveness of the programs administered and operated pursuant to this Act by the National Center on Domestic Violence and the Institutes within the Alcohol, Drug Abuse, and Mental Health Administration. Such review, evaluation, and report shall be conducted and prepared by persons not directly involved in the administration or operation of such programs. Such review and evaluation shall include examination of—

(1) the extent to which public awareness of the problem of domestic violence has been increased;

(2) the extent to which the availability and the

effectiveness of services with respect to domestic violence has been increased;

(3) the extent to which assistance made available under this Act has served as a catalyst for State and local community involvement and support (financial and otherwise) for projects with respect to domestic violence;

(4) whether limiting the dollar amount of grants which may be awarded in any one fiscal year or over a five-year period has provided more opportunities for communities and nonprofit private organizations to establish, maintain, and expand projects under this Act;

(5) whether such limitations have resulted in stimulating State, local governmental, and community financial support for projects with respect to domestic violence;

(6) the extent to which projects assisted under this Act have continued, without assistance under this Act, to provide services with respect to domestic violence;

(7) the extent to which regional centers established pursuant to section 8(c) have assisted States, local governments, and communities, and nonprofit private organizations in utilizing other available sources of funding to support projects with respect to domestic violence;

(8) the extent to which the interagency domestic violence council established by section 14(b) has assisted the Director in coordinating at the Federal level programs

for the prevention of domestic violence and the provision of assistance to victims and dependents of victims of domestic violence;

(9) the extent to which the Center has provided the necessary relevant information and assistance with respect to domestic violence to participating and interested States, local public agencies and communities, and nonprofit private organizations; and

(10) the extent to which research activities conducted pursuant to section 9 have improved understanding of the causes, effects, and incidence of domestic violence, and to which information developed in such research activities has been useful to projects providing services relating to domestic violence.

(b) In planning for the evaluations required to be conducted under this section, the Secretary shall consult with the Director and advise appropriate committees of the Congress. As part of the evaluation, the Secretary, to the maximum extent feasible, shall consult with appropriate State officials and panel members, local community officials, providers of services, nonprofit private organizations, and individuals who have been victims of domestic violence.

COORDINATION OF FEDERAL PROGRAMS

SEC. 14. (a) In seeking to coordinate programs with respect to domestic violence, providing information, other-

wise carrying out clearinghouse functions, and making grants and contracts under this Act, the Director shall give particular attention to the availability for assignment of VISTA volunteers serving under part A of title I of the Domestic Volunteer Service Act of 1973, as amended (Public Law 93–113), and of assistance through the conduct of or grants to special volunteer or demonstration programs under part C of title I and through grants and contracts made under title II of such Act.

(b)(1) In order to assist the Director in coordinating at the Federal level programs for the prevention of domestic violence and the provision of assistance to victims and dependents of victims of domestic violence, a Federal interagency domestic violence council is established. Such council shall be chaired by the Director and shall include representatives of the Department of Justice (including the Law Enforcement Assistance Administration), Department of Housing and Urban Development, Department of Labor, Department of Commerce, Department of Agriculture, Department of Defense, ACTION Agency, Community Services Administration, appropriate Institutes within the Alcohol, Drug Abuse, and Mental Health Administration, and representatives of such other agencies as the President shall designate.

(2) The council shall identify, assess, and seek to

coordinate all Federal programs, projects, and plans for programs and projects providing services or research support with respect to domestic violence and shall make such recommendations as it deems appropriate to the President and the Congress with respect to coordination of policy and development of objectives and priorities for all Federal programs regarding the prevention of incidents of domestic violence and the provision of assistance to victims and dependents of victims of domestic violence.

(3) The council shall meet not less often than four times each year.

PAYMENTS; NON-FEDERAL SHARE

SEC. 15. (a) Payments pursuant to grants or contracts under this Act may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments, as the Secretary may determine.

(b) A State shall be eligible for a grant under section 4(a) only if such State makes available for expenditures for the same purposes for which funds appropriated under this Act may be used, funds in cash in an amount which bears the following proportion to the amount of Federal assistance provided in each of the following fiscal years: for fiscal year 1979, 0 per centum; for fiscal year 1980, 30 per centum; for fiscal year 1981, 40 per centum; for

fiscal year 1982, 50 per centum; and for fiscal year 1983, 65 per centum.

DEFINITIONS

Sec. 16. As used in this Act, the term—

(1) "Center" means the National Center on Domestic Violence established under section 8;

(2) "Director" means the Director of the Center;

(3) "domestic violence" means any act or threatened act of violence, including any forceful detention of an individual, which—

(A) results or threatens to result in physical injury; and

(B) is committed by a person eighteen years of age or older against another such person to whom such person is or was related, or by a person of any age against another person with whom such person is or was residing in a relationship of husband and wife;

(4) "panel" means the State citizen panel on domestic violence established pursuant to section 3;

(5) "Secretary" means the Secretary of Health, Education, and Welfare; and

(6) "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and, except as otherwise provided, Guam, Ameri-

can Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. There are authorized to be appropriated $30,000,000 for fiscal year 1979 and for each of the four succeeding fiscal years in order to carry out the provisions of this Act. Of the sums so appropriated for any fiscal year, 85 per centum shall be used for making grants under section 4; 8 per centum shall be used for the operation and activities of the Center under section 8; and 7 per centum shall be used for research conducted or caused to be conducted under section 9.

Union Calendar No. 582

95TH CONGRESS
2D SESSION

H. R. 12299

[Report No. 95–1127]

IN THE HOUSE OF REPRESENTATIVES

APRIL 24, 1978

Mr. MILLER of California (for himself, Mrs. BOGGS, Ms. MIKULSKI, and Mr. STEERS) introduced the following bill; which was referred to the Committee on Education and Labor

MAY 10, 1978

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

A BILL

To establish a Federal Office on Domestic Violence, and a Federal Council on Domestic Violence, to provide grants for the assistance of victims of domestic violence and for training programs, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Domestic Violence Assistance Act of 1978".

ESTABLISHMENT OF ~~NATIONAL~~ OFFICE ON DOMESTIC VIOLENCE

SEC. 2. There is hereby established within the Office of the Secretary of Health, Education, and Welfare an Office

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on Domestic Violence which shall be headed by an Administrator of Programs on Domestic Violence.

APPOINTMENT AND DUTIES OF ADMINISTRATOR

SEC. 3. (a) The Administrator shall be appointed by the Secretary of Health, Education, and Welfare.

(b) The Administrator shall—

(1) maintain a national clearinghouse on domestic violence for purposes of (A) collecting and disseminating information on domestic violence, (B) reviewing Federal, State, and local programs relating to domestic violence, (C) compiling and actively distributing information on existing programs for the prevention and treatment of domestic violence, and (D) developing a national directory of temporary shelters and other services for the victims of domestic violence;

~~(2) make an annual report to the Congress with respect to the status of Federal, State, and local programs relating to domestic violence, including recommendations for improved coordination;~~

"(2) undertake maximum efforts to achieve the coordination of all Federal programs relating to domestic violence in order to eliminate unnecessary duplication and inefficiency, and report to the Congress on such efforts and on the status of the grant program authorized by this Act;

(3) develop a national media campaign to increase

public awareness of the problem of domestic violence and the availability of services for its victims, including, if he deems necessary, a national toll-free hotline to provide information regarding the availability of services in particular areas of the country;

(4) make recommendations to the Congress concerning the need for the modification of Federal programs which may affect or have applicability to victims of domestic violence, including federally supported housing and community development activities, legal and medical services, and job training programs; ~~and~~

(5)(A) obtain information regarding the nature and the findings of research projects relating to domestic violence which are conducted under programs receiving Federal funds; and (B) utilize such information in reviewing programs under paragraph (1)(B), in making his report and recommendations to the Congress under paragraphs (2) and (4), and in providing information to the Council under paragraph (6); and

~~(5)~~*(6)* provide the Council with such information as may be necessary for the Council to discharge its functions under section 4 (a).

FUNCTIONS AND DUTIES OF COUNCIL

~~SEC. 4. (a) The Council shall have the sole responsibility for determining the awarding of grants pursuant to sections 5 and 6 of this Act.~~

~~(b) (1) The Council shall be composed of members appointed by the Secretary of Health, Education, and Welfare, and shall consist of—~~

Sec. 4. (a)(1) The Secretary of Health, Education, and Welfare shall appoint the members of the Council on Domestic Violence, which shall consist of not more than twelve members who shall be appointed for a period of not more than three years. The Council shall be composed of—

(A) not less than five individuals who are victims of domestic violence or who are experienced in the operation of community-based shelters or service programs for victims of domestic violence and their children and in the delivery of services to such victims, but who are not employees of Government; and

(B) representatives *with expertise in the area of the prevention and treatment of domestic violence,* from such agencies as—

(i) the Office of Children, Youth, and Families, Department of Health, Education, and Welfare;

(ii) The National Institute of Mental Health;

(iii) the ACTION Agency;

(iv) the Law Enforcement Assistance Administration;

(v) the Legal Services Corporation;

(vi) the Community Services Administration; and

~~(iii)~~ *(vii)* representatives of State or local governments: *Provided however*, That the non-Federal members appointed pursuant to subparagraph (A) of this section shall at all times constitute a majority of the members of the Council.

(2) While away from their homes or regular places of business in the performance of services for the Council, members of the Council who are appointed pursuant to paragraph (1)(A), and members appointed pursuant to paragraph (1)(B) who are not otherwise reimbursed for travel expenses, shall be allowed travel expenses, including a per diem allowance in lieu of subsistence, in the same manner as employees of the Federal Government are allowed such expenses under subchapter 1 of chapter 57 of title 5, United States Code.

(3) Members of the Council who are officers or employees of the Federal Government shall receive no additional pay on account of their service on the Council.

(b) The Council shall have the sole responsibility for awarding grants pursuant to sections 5 and 6 of this Act.

(c) The Council shall make recommendations to the Administrator concerning the modification and improve-

ment of programs and activities of the Office on Domestic Violence.

GRANT PROGRAM

SEC. 5. (a) (1) The Council shall make grants under this section for programs designed to prevent domestic violence and to provide aid to victims of domestic violence.

(2) No grant made under this section shall be approved for more than $50,000 in any fiscal year, or for more than 25 per centum of the annual budget of such program, whichever is less. No program for which a grant has been made under this section shall receive funds for more than three fiscal years.

(b) Except as provided in subsection (c), any applicant applying for a grant under this section shall demonstrate to the satisfaction of the Council that the program for which the grant will be used—

(1) has been in operation and has offered the type of services outlined in the application for a period of not less than six months;

(2) is receiving community support in the form of financial donations or in-kind goods and services; and

(3) is operated by personnel who have appropriate skills, including professional, clinical, or volunteer training, necessary to provide services to victims of do-

mestic violence and their children, including multilingual skills, where appropriate.

(c) A grant may be made to a qualified applicant unable to meet the requirements of subsection (b) (1) if such applicant demonstrates to the satisfaction of the Council that—

(1) there is a local need for the establishment and maintenance of such services;

(2) there is an extreme financial hardship requiring the awarding of start-up funds in order to achieve the establishment of the program. No amount in excess of 40 per centum of the total amount of a grant made to any applicant under this subsection may be advanced for start-up funds. The Council shall provide the remaining funds for any grant made pursuant to this subsection upon a finding that the program has been established in conformity with the grant application; and

(3) no funds provided under this Act shall be used to supplant other funds otherwise available to an applicant.

(d) (1) Except as otherwise provided in paragraph (2) with respect to grants made pursuant to this section in any fiscal year, the proportion of funds made available by the Council for programs in any State to the total funds granted by the Council for programs under this section shall not exceed the proportion of such State's population to the total population of the United States, according to the latest available reliable data, *except that the minimum amount available to grant applicants in any one State shall not be less than $50,000.*

(2) The Council shall select grantees from diverse demographic regions within each State or territory.

(3) Any funds appropriated for purposes of this Act for any fiscal year which were not allocated before January 1 of such fiscal year shall be available for awarding to other qualified applicants upon approval on an application by the Council.

(c) Funds provided through grants made under this section may be used for services and related expenses including, but not limited to, the following—

(1) rent or mortgage payments for facilities (except that no more than 33 per centum of any grant may be used for rent);

(2) emergency counseling;

(3) job training;

(4) legal services;

(5) provision of food or clothing;

(6) emergency telephone assistance and counseling;

(7) housing information and referral;

(8) followup services;

(9) the dissemination of information and advocacy of other related social services; and

(10) administrative expenses (not to exceed 15 per centum of any grant).

(f) No funds provided through grants made under this section shall be used as direct payment to any victim of domestic violence.

(g) Services provided under this section shall be considered emergency services and no income eligibility standard shall be imposed with respect to any individual seeking such service.

(h) Any grant recipient under this section shall furnish to the Council within ninety days after the end of the fiscal year for which a grant was made to such grant recipient—

(1) an audit of all expenditures;

(2) a report of all purchases and related financial matters;

(3) information regarding the number of individuals served, and the services offered, and a description of the disposition of cases, except that no grantee may be required to release the identity of any victim served by the program if the grant recipient of such program deems such identity to be confidential; nor shall the exact street address of any grantee be made public if

public knowledge of the location of a shelter would expose residents of that shelter to physical or psychological abuse;

(4) any other information the Council may require with respect to the program for which such grant was made.

GRANTS FOR TRAINING PROGRAMS

SEC. 6. (a) The Council shall make grants under this section for programs designed to provide personnel training and technical assistance training to individuals and organizations involved in establishing or maintaining community services for victims of domestic violence.

(b) Any applicant applying for a grant under this section shall demonstrate to the satisfaction of the Council that—

(1) such applicant is able to train personnel, and has expertise in the area of emergency victim assistance;

(2) a thorough description of the program for which such grant shall be used.

(c) Funds provided through grants made under this section may be used for expenses of training programs including costs of—

(1) dissemination of information regarding treatment of victims of domestic violence;

(2) technical training of shelter personnel, including transportation and living expenses for such personnel for a period of no more than two weeks;

(3) production of media information programs concerning the problem of domestic violence and the availability of community services for victims of domestic violence; ~~and~~

(4) shelter-based research programs concerning the need for and use of programs for victims of domestic violence; and

(5) programs designed to develop economic self-sufficiency of community-based service providers in order to assure the continuity of programs funded under this Act.

(d) Any grant recipient under this section shall furnish to the Council within ninety days after the end of the fiscal year in which a grant was made to such grant recipient—

(1) an audit of all expenditures;

(2) a report of all purchases and related financial matters; and

(3) any other information the Council may require;

with respect to the program for which such grant was made.

(e) The Council shall, as is practicable, distribute grants under this section to insure that training programs will be established in all regions of the United States, as determined according to the regional organization of the Department of Health, Education, and Welfare.

~~(f) No grant pursuant to this section shall be in excess of $30,000 and shall be renewable, at the discretion of the Council, for not more than one additional year.~~

(f) The Council shall award grants for technical assistance and research under this section, to the maximum extent feasible, in all regions of the United States, including rural and urban areas, and may select programs which are interstate or regional in nature.

APPROVAL OF BUDGETS

SEC. 7. Before any funds are provided for any program for which a grant has been made under this Act, a budget for such program for the fiscal year in which such funds shall be used shall be approved by the Council.

EFFECT ON ELIGIBILITY FOR OTHER FINANCIAL AID

SEC. 8. No Federal income supplement, or nutrition, education, legal, or medical assistance, or job training shall be denied to any individual otherwise qualified for such supplement, assistance, or training, or to any child of such individual, because such individual has received aid from any shelter or program for victims of domestic violence to which a grant has been made under this Act, or has received any service provided by such shelter or associated service provider.

REGULATORY AUTHORITY

SEC. 9. The Secretary of Health, Education, and Welfare shall have the authority to promulgate such rules and regulations as he may deem necessary to carry out the provisions of this Act. Proposed regulations shall be subject to the approval of the Council.

DEFINITIONS

SEC. 10. As used in this Act—

(1) the term "Administrator" means the Administrator of the Office on Domestic Violence referred to in section 2;

(2) the term "applicant" means any community-based, nonprofit organization or Indian tribe or public agency in any State;

(3) the term "Council" means the ~~Federal~~ Council on Domestic Violence established in section 4;

(4) the term "domestic violence" means any act or threatened act of violence, including any forceful detention of an individual, which results or threatens to result in physical injury, and is committed by a person against another person to whom such person is married or has been married or with whom such person is residing or has resided;

(5) the term "shelter" means a facility maintained by an applicant or grant recipient under this Act which

provides, on an emergency basis, temporary housing and food, or related services, to victims of domestic violence;

(6) the term "State" means the fifty States and the District of Columbia, Guam, the Virgin Islands, and Puerto Rico; and

(7) the term "victim" means any individual threatened with or suffering injury or duress as a result of domestic violence, or the child under the age of eighteen of such individual.

AUTHORIZATION OF APPROPRIATIONS; LIMITATIONS

SEC. 11. (a) There are authorized to be appropriated for the purpose of this Act $15,000,000 for fiscal year 1979, $20,000,000 for the fiscal year 1980, and $30,000,000 for each of the three succeeding fiscal years.

~~(b) No amount in excess of 10 per centum of any amount appropriated under this Act in any fiscal year shall be used to administer the provisions of sections 3 and 4 of this Act.~~

~~(c)~~ *(b)* No amount in excess of 20 per centum of any amount appropriated under this Act in any fiscal year shall be used for grants made under section 6 of this Act.

Amend the title so as to read: "A bill to establish an Office on Domestic Violence, and a Council on Domestic Violence, to provide grants for the assistance of victims of domestic violence and for training programs, and for other purposes.".

Appendix E

Unsolicited Papers

The following unsolicited papers were submitted to the U.S. Commission on Civil Rights in response to the Commission's consultation, "Battered Women: Issues of Public Policy." Owing to the length and number of papers, the Commission was unable to print them in this publication. However, the papers are listed below with the names and addresses of the authors so that those who are interested may request a copy directly from the author.

Elaine Brummett
Project Director
Virginia Neal Blue Resource
  Centers for Colorado Women
Colorado Women's College
Montview & Quebec
Denver, Colo. 80220
  "Colorado Battered Women Survey"

Karen Howes Coleman
Marriage & Family Clinic
Texas Research Institute
  of Mental Sciences
1300 Moursund
Houston, Tex. 77030
  "Sex-Role Stereotypes: They Contribute to Conjugal Violence"

Elizabeth Emerson
Women's Center of Greater Danbury, Inc.
256 Main St.
Danbury, Conn. 06810
  "Statistics Gathered from the Housatonic Valley Region: Redding, Ridgefield, Bethel, Brookfield, Danbury, Newtown, New Fairfield, New Milford, Bridgewater and Kent"

Marjory D. Fields and
  Rioghan M. Kirchner
Family Law Unit
Brooklyn Legal Services, Corp. B
152 Court St. 3rd Floor
Brooklyn, N.Y. 11201
  "Battered Women Are Still in Need: A Reply to Steinmetz"

Linda Golaszewski

Counselor/Coordinator
Sojourn Women's Center, Inc.
915 N. 7th St.
Springfield, Ill. 62702
"Sojourn House: Women and Services"

Eileen Kogen
506 G. Longview Rd.
Knoxville, Tenn. 37919
"Battered Women: A Counseling Perspective"

Janet Londrigan
Governor's Office of Manpower
and Human Development
623 E. Monroe St.
Springfield, Ill. 62701
"D.O.L. Regulation Changes to Free Up Monies to Establish Hostels for Battered Women"

Carol Lopes
San Francisco Neighborhood
Legal Assistance Foundation
1095 Market St., Suite 417
San Francisco, Calif. 94103
"Battered Women: Who Will Define The Solution?"

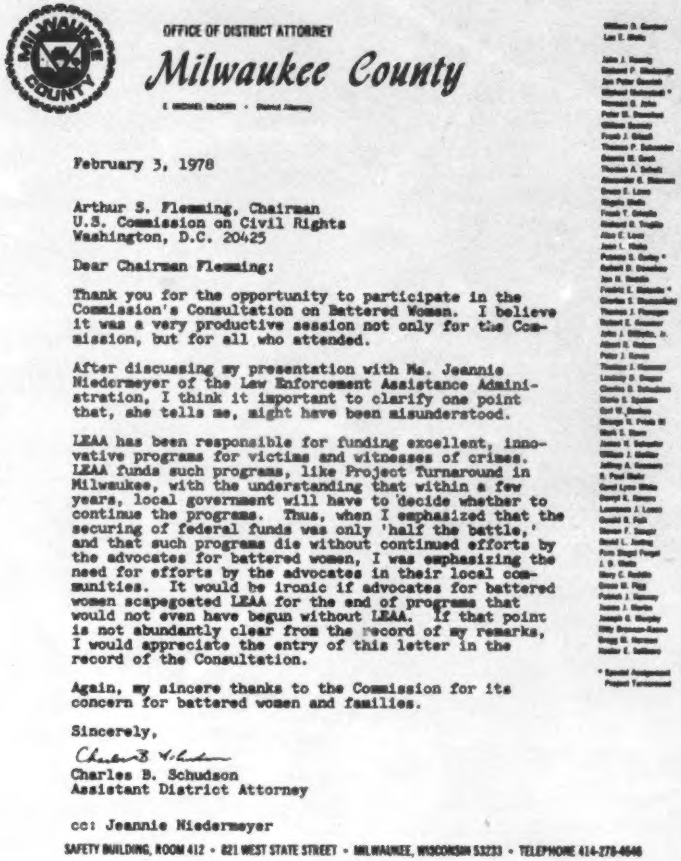
Mary Metzger
245 Avenue "C"
New York, N.Y. 10009
"Women and Violence: A Social History"
"What Did You do to Provoke Him?"

Mildred Daley Pagelow
1111 Liberty Lane
Anaheim, Calif. 92805
"Needs Assessment of Victims of Domestic Violence"

Carol Richards
Women's Support Shelter
405 Broadway
Tacoma, Wash. 98402
"A Suggestion I Heard Nowhere on the Panel"

Appendix F

Charles Schudson Letter to Chairman Arthur S. Flemming.



OFFICE OF DISTRICT ATTORNEY
Milwaukee County
E. MICHAEL McCANN · District Attorney

February 3, 1978

Arthur S. Flemming, Chairman
U.S. Commission on Civil Rights
Washington, D.C. 20425

Dear Chairman Flemming:

Thank you for the opportunity to participate in the Commission's Consultation on Battered Women. I believe it was a very productive session not only for the Commission, but for all who attended.

After discussing my presentation with Ms. Jeannie Niedermeyer of the Law Enforcement Assistance Administration, I think it important to clarify one point that, she tells me, might have been misunderstood.

LEAA has been responsible for funding excellent, innovative programs for victims and witnesses of crimes. LEAA funds such programs, like Project Turnaround in Milwaukee, with the understanding that within a few years, local government will have to decide whether to continue the programs. Thus, when I emphasized that the securing of federal funds was only 'half the battle,' and that such programs die without continued efforts by the advocates for battered women, I was emphasizing the need for efforts by the advocates in their local communities. It would be ironic if advocates for battered women scapegoated LEAA for the end of programs that would not even have begun without LEAA. If that point is not abundantly clear from the record of my remarks, I would appreciate the entry of this letter in the record of the Consultation.

Again, my sincere thanks to the Commission for its concern for battered women and families.

Sincerely,

Charles B. Schudson
Charles B. Schudson
Assistant District Attorney

cc: Jeannie Niedermeyer

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